

SENATE BILL No. 333

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2; IC 3; IC 4-24.5; IC 5-2-1-9; IC 6-1.1; IC 11-12-10-4; IC 12-14-30; IC 12-20-1-5; IC 13-25-6; IC 14-15-2-8; IC 15-3; IC 16-31-5-1; IC 16-41-19-7; IC 20; IC 22-11-14; IC 22-12-1-18.7; IC 23-14; IC 31; IC 32-26; IC 33; IC 34-30-2-58; IC 35; IC 36.

Synopsis: Government reorganization. Provides that a public employee is considered to have resigned as an employee when the individual assumes an elected office at the same level of government at which the individual is employed. Exempts current office holders and employees as long as they continue to hold the same office. Provides that the legislative body of a second class city appoints the city clerk. Provides that individuals elected as city clerk at the 2007 elections may serve in that office until January 1, 2012. Requires that the members of the governing body of a school corporation be elected at the time of the general elections. Provides procedures to evaluate and terminate all state agencies and programs on a ten year cycle. Requires the schools of public and environmental affairs or business schools of Indiana University, Purdue University, Ball State University, Indiana State University, and the University of Southern Indiana to develop internship programs to give credit to students who perform the evaluation of state agencies and programs, and requires the universities to provide the evaluation service under the direction of the legislative services agency. Makes necessary appropriations to implement termination of an agency or agency program. Provides that a taxing unit whose governing body is not comprised of a majority of officials who
(Continued next page)

Effective: Upon passage; July 1, 2008; January 1, 2011.

Delph

January 10, 2008, read first time and referred to Committee on Local Government and Elections.



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are elected to serve on the governing body must submit its proposed budget and property tax levy for review by another specified legislative body whose members are elected. Allows officers of a political subdivision to transfer money between departments in the same fund of the political subdivision without notice and approval of the department of local government finance if the transfer meets certain requirements. Allows a city, town, or county to regulate and adopt civil penalties for littering on public property. Requires the state to pay for certain expenditures incurred by circuit, superior, county, and probate courts, including expenses related to court employees, including bailiffs, probation officers, and court reporters. Provides that each court shall submit its budget to the division of state court administration, and that the supreme court shall submit a consolidated budget to the budget agency and the general assembly. Requires the supreme court to adopt certain rules concerning court procedures and the employment and management of administrative officers. Allows a political subdivision to make transfers to the political subdivision's rainy day fund after the last day of the political subdivision's fiscal year and before March 1 of the subsequent calendar year. Reduces the percentage of registered voters necessary to petition to initiate a governmental reorganization or to provide for approval of a governmental reorganization notwithstanding the rejection by a legislative body. Establishes a procedure for a township to reorganize itself under the local government reorganization statute. Provides that effective January 1, 2011, for a township not in Marion County that does not reorganize: (1) township governmental functions (other than township assessment functions) are abolished; (2) the offices of township trustee and township board (including duties and responsibilities related to township assistance, fire protection, cemetery maintenance, parks and recreation, and libraries) are abolished and transfers the duties and responsibilities of the township trustee and township board to the county; (3) establishes a county firefighting fund; (4) establishes a county cumulative building and equipment fund for firefighting; (5) transfers township fund balances to the county and specifies the permitted use of the money; (6) makes township indebtedness an obligation of the county, and requires the county to use money transferred from the township to pay the indebtedness; (7) allows the county to levy property taxes to pay indebtedness not covered by money transferred from the township, and specifies the areas in which the taxes may be levied; and (8) increases the county's maximum property tax levy based on the assumption of former township duties, and establishes a separate county maximum property tax levy for firefighting. Provides that in counties other than Marion County, the boards of county commissioners are eliminated effective January 1, 2011, the county executive is a single elected chief executive officer, and the county council is the county legislative body as well as the county fiscal body. Provides that the initial county chief executive officers are elected at the November 2010 general election. Provides that effective January 1, 2011: (1) the county treasurer, county auditor, and county assessor in Marion County no longer serve ex officio as county commissioners; and (2) the mayor of the consolidated city assumes the duties and powers held by those county commissioners. Establishes a public safety coordinating council in each county to coordinate public safety matters in the county. Provides that individuals elected to a local office at the 2011 municipal election take office January 1, 2013. Requires that successors of these individuals be elected at the 2016 general election. Requires the legislative services agency to prepare legislation to amend Indiana election law to provide that all municipal elections be held in even-numbered years. Makes other changes and conforming amendments. Repeals the procedures for legislative evaluation of state agencies. Repeals obsolete statutes providing for the option of appointment of members of a governing body of a school corporation. Repeals superseded statutes relating to

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election of members of a governing body of a school corporation.
Repeals a statute related to the filling of vacancies in the office of city
clerk of a second class city.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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SENATE BILL No. 333

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-5-1.1-6.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) The council
3 shall, upon consultation with the governor's office, develop an annual
4 report format taking into consideration, among other things, program
5 budgeting, with the final format to be determined by the council. The
6 format may be distributed to any agency (as defined in ~~IC 2-5-21-1~~;
7 **IC 4-24.5-1-2**). The agency shall complete and return a copy in an
8 electronic format under IC 5-14-6 to the legislative council before
9 September 1 of each year for the preceding fiscal year.
- 10 (b) The council shall distribute one (1) copy to the governor's office,
11 one (1) copy to the budget agency, and three (3) copies to the state
12 library.
- 13 (c) The reports are a public record and are open to inspection.
- 14 SECTION 2. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2008]: Sec. 22. **(a)** "Executive" means **the**



following:

(1) **Except as provided in subsection (b),** board of county commissioners, for a county not having a consolidated city.

(2) Mayor of the consolidated city, for a county having a consolidated city.

(3) Mayor, for a city.

(4) President of the town council, for a town. ~~or~~

(5) Trustee, for a township. **After December 31, 2010, this subdivision refers only to the following:**

(A) **The trustee of a township in a county having a consolidated city.**

(B) **The executive of a township that has reorganized under IC 36-1.5.**

(b) In the case of a county subject to IC 36-2-2.5 after December 31, 2010, "executive" means the chief executive officer elected under IC 3-10-2-13.

SECTION 3. IC 3-5-2-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 40. "Precinct" means a subdivision of a county ~~or township~~ established for election purposes.

SECTION 4. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 9. Public Employees Holding Office

Sec. 1. (a) This chapter applies to a public employee who, after December 31, 2008, assumes an elected office at the same level of government at which the individual is employed.

(b) This chapter does not apply to a public employee who, on January 1, 2009, holds an elected office at the same level of government at which the individual is employed as long as the individual continues to:

(1) hold; or

(2) be reelected to;

the elected office the individual held on December 31, 2008.

Sec. 2. (a) As used in this chapter, "public employee" refers to an employee of any of the following:

(1) The state.

(2) A county.

(3) A city or a town.

(4) A school corporation.

(5) A township.

(b) The term does not include an individual who holds an elected office.

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1 **Sec. 3. For purposes of this chapter, each of the following is**
 2 **considered a level of government separate from the other levels on**
 3 **the list:**

- 4 **(1) The state.**
- 5 **(2) Counties.**
- 6 **(3) Cities and towns.**
- 7 **(4) School corporations.**
- 8 **(5) Townships.**

9 **Sec. 4. A public employee is considered to have resigned as an**
 10 **employee when the individual assumes an elected office at the same**
 11 **level of government at which the individual is employed.**

12 **Sec. 5. This chapter does not prohibit a public employee from**
 13 **holding an elected office at a different level of government than the**
 14 **level at which the individual is employed.**

15 SECTION 5. IC 3-8-1-28 IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2008]: Sec. 28. A candidate for the office of
 17 city clerk of a second class city or city clerk-treasurer of a third class
 18 city must have resided in the city for at least one (1) year before the
 19 election: **meet the qualifications stated in IC 36-4-10-3.**

20 SECTION 6. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A person who files a
 22 declaration of candidacy for an elected office for which a per diem or
 23 salary is provided for by law is disqualified from filing a declaration of
 24 candidacy for another office for which a per diem or salary is provided
 25 for by law until the original declaration is withdrawn.

26 (b) A person may file both:

- 27 (1) a declaration of candidacy under this chapter for nomination
- 28 to a federal or state office; and
- 29 (2) a written request under IC 3-8-3-1 that the person's name be
- 30 placed on the ballot in a primary election as a candidate for
- 31 nomination for the office of President of the United States.

32 (c) A person may not file:

- 33 (1) a declaration of candidacy for a nomination; and
- 34 (2) a petition of nomination or declaration of intent to be a
- 35 write-in candidate for a school board office that is elected at the
- 36 same time as the primary election:

37 If a person files both a declaration of candidacy and a petition of
 38 nomination described in this subsection, the matter shall be referred to
 39 the county election board under section 18 of this chapter. The board
 40 shall determine which document was most recently filed and shall
 41 consider the previously filed document to have been withdrawn.

42 SECTION 7. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

(1) The title of each office.

(2) The name of each individual who has filed a request to be placed on the presidential primary ballot.

(3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.

~~(4) The names and addresses of all persons who have filed a petition of nomination for election to a school board office to be chosen at the same time as the primary election.~~

~~(5)~~ (4) The text of any public question to be placed on the ballot.

~~(6)~~ (5) The date of the primary election.

~~(7)~~ (6) The hours during which the polls will be open.

(b) The county election board shall do the following:

(1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.

(2) File a copy of the information described in subsection (a):

(A) with the election division; and

(B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

(1) compilation of the information described in subsection (a) has occurred; or

(2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

SECTION 8. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Nomination for School Board Office

Sec. 1. This chapter applies to a candidate for a school board office.

Sec. 2. A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under

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1 IC 20-23 or IC 20-25. The petition of nomination, once filed, serves
2 as the candidate's declaration of candidacy for a school board
3 office.

4 Sec. 3. A candidate for a school board office is not required to
5 file a statement of organization for the candidate's principal
6 committee unless the candidate has received contributions or made
7 expenditures requiring the filing of a statement under IC 3-9-1-5.5.
8 If a candidate for a school board office is required to file a
9 statement of organization for the candidate's principal committee,
10 the statement of organization must be filed by noon seven (7) days
11 after the final date for filing a petition of nomination or declaration
12 of intent to be a write-in candidate.

13 Sec. 4. (a) A petition of nomination for a school board office
14 must be filed not earlier than one hundred four (104) days and not
15 later than noon seventy-four (74) days before the general election.
16 The petition must be subscribed and sworn to before a person
17 authorized to administer oaths.

18 (b) A declaration of intent to be a write-in candidate for a school
19 board office must be filed not earlier than ninety (90) days before
20 the general election and not later than noon five (5) days before the
21 final date for the delivery of absentee ballots under IC 3-11-4-15.
22 The declaration must be subscribed and sworn to before a person
23 authorized to administer oaths.

24 SECTION 9. IC 3-10-1-19, AS AMENDED BY P.L.164-2006,
25 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2008]: Sec. 19. (a) The ballot for a primary election shall be
27 printed in substantially the following form for all the offices for which
28 candidates have qualified under IC 3-8:

29 OFFICIAL PRIMARY BALLOT

30 _____ Party

31 For paper ballots, print: To vote for a person, make a voting mark
32 (X or ✓) on or in the box before the person's name in the proper
33 column. For optical scan ballots, print: To vote for a person, darken or
34 shade in the circle, oval, or square (or draw a line to connect the arrow)
35 that precedes the person's name in the proper column. For optical scan
36 ballots that do not contain a candidate's name, print: To vote for a
37 person, darken or shade in the oval that precedes the number assigned
38 to the person's name in the proper column. For electronic voting
39 systems, print: To vote for a person, touch the screen (or press the
40 button) in the location indicated.

41 Vote for one (1) only

42 Representative in Congress

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☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner **(for elections before 2010).**

(I) County chief executive officer (as provided in IC 36-2-2.5 for elections after 2009).

(J) County council member.

(5) Township offices:

(A) Township assessor.

(B) Township trustee.

(C) Township board member.

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(D) Judge of the small claims court.

(E) Constable of the small claims court.

After December 31, 2010, clauses (B) through (E) apply only to a township in a county having a consolidated city.

(6) City offices:

(A) Mayor.

(B) ~~Clerk~~ or Clerk-treasurer, if the city is a third class city.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(c) This subsection applies after December 31, 2010. The township offices elected under a township plan of reorganization adopted under IC 36-1.5 shall be placed on the primary election ballot after the offices described in subsection (b), in the order specified in the township plan of reorganization.

~~(c)~~ **(d)** The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b), **or, after December 31, 2010, after the offices, if any, placed on the ballot under subsection (c):**

(1) Precinct committeeman.

(2) State convention delegate.

~~(d)~~ **(e)** The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection ~~(c)~~: **(d)**:

~~(1)~~ **(1)** School board offices to be elected at the primary election.

~~(2)~~ **(1)** Other local offices to be elected at the primary election.

~~(3)~~ **(2)** Local public questions.

~~(e)~~ **(f)** The offices and public questions described in subsection ~~(d)~~ **(e)** shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection ~~(c)~~ **(d)** in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection ~~(c)~~ **(d)** in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

~~(f)~~ **(g)** A public question shall be placed on the primary election

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ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 10. IC 3-10-1-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.2. (a) Whenever candidates are to be nominated for an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) Whenever candidates are to be nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

(c) ~~This subsection applies to a school board office or political office to be elected at the primary election ballot.~~ Candidates for a ~~school board office or~~ a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b).

SECTION 11. IC 3-10-1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 29. The canvass of votes cast in a primary election shall, as far as applicable, be made in the same manner and by the same officers as the canvass at a general election. The tally sheet upon which the count has been entered shall be included in the returns of the election. Each precinct election board shall, on blanks provided for that purpose, make full and accurate returns of the votes cast for each candidate and on each public question unless votes were cast on a ballot card voting system that is not designed to allow the counting and tabulation of votes by the precinct election board. The board shall set forth in the return, opposite the name of each candidate and public question, the number of votes cast for the candidate and for or against each public question. The tabular statement must contain the following information, with the names of candidates and public questions arranged in the order in which they appear upon the official ballot:

- (1) The name of the precinct.
- (2) The name of the township (or ward), **if applicable.**
- (3) The name of the county.
- (4) The name of the party of the candidates for Representative in Congress.

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SECTION 12. IC 3-10-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. Primary election returns must contain the whole number of votes cast for **each of the following:**

- (1) Each candidate of each political party.
- (2) Each public question voted on at the primary election. ~~and~~
- (3) Each candidate for election to a ~~school board office or~~ political party office.

SECTION 13. IC 3-10-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. **(a)** The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner **(for elections before 2010).**
- (10) County chief executive officer (as provided in IC 36-2-2.5 for elections after 2009).**
- ~~(10)~~ **(11) County council member.**

(b) The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- ~~(1)~~ **(1) Township trustee.**
- ~~(2)~~ **(2) Township board member.**
- ~~(3)~~ **(3) Township assessor.**
- ~~(4)~~ **(4) Judge of a small claims court.**
- ~~(5)~~ **(5) Constable of a small claims court.**

After December 31, 2010, subdivisions (1), (2), (4), and (5) apply only to a county having a consolidated city.

(c) This subsection applies after December 31, 2010. The township offices elected under a township plan of reorganization adopted under IC 36-1.5 shall be elected at the general election before their terms of office expire and every four (4) years thereafter.

SECTION 14. IC 3-10-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) This chapter applies to municipal and school district elections in the following

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1 municipalities:

- 2 (1) All cities, **except as provided in IC 36-4-10-2.**
 3 (2) Towns having a population of three thousand five hundred
 4 (3,500) or more.
 5 (3) Towns located entirely or partially within a county having a
 6 consolidated city, regardless of their population.

7 (b) Prison inmates may not be counted in determining population
 8 size for purposes of this chapter.

9 SECTION 15. IC 3-11-2-12, AS AMENDED BY P.L.2-2005,
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2008]: Sec. 12. (a) The following offices shall be placed on
 12 the general election ballot in the following order:

- 13 (1) Federal and state offices:
 14 (A) President and Vice President of the United States.
 15 (B) United States Senator.
 16 (C) Governor and lieutenant governor.
 17 (D) Secretary of state.
 18 (E) Auditor of state.
 19 (F) Treasurer of state.
 20 (G) Attorney general.
 21 (H) Superintendent of public instruction.
 22 (I) United States Representative.
 23 (2) Legislative offices:
 24 (A) State senator.
 25 (B) State representative.
 26 (3) Circuit offices and county judicial offices:
 27 (A) Judge of the circuit court, and unless otherwise specified
 28 under IC 33, with each division separate if there is more than
 29 one (1) judge of the circuit court.
 30 (B) Judge of the superior court, and unless otherwise specified
 31 under IC 33, with each division separate if there is more than
 32 one (1) judge of the superior court.
 33 (C) Judge of the probate court.
 34 (D) Judge of the county court, with each division separate, as
 35 required by IC 33-30-3-3.
 36 (E) Prosecuting attorney.
 37 (F) Clerk of the circuit court.
 38 (4) County offices:
 39 (A) County auditor.
 40 (B) County recorder.
 41 (C) County treasurer.
 42 (D) County sheriff.

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- 1 (E) County coroner.
 2 (F) County surveyor.
 3 (G) County assessor.
 4 (H) County commissioner **(for elections before 2010).**
 5 **(I) County chief executive officer (as provided in**
 6 **IC 36-2-2.5 for elections after 2009).**
 7 ~~(H)~~ **(J)** County council member.
 8 (5) Township offices:
 9 (A) Township assessor.
 10 (B) Township trustee.
 11 (C) Township board member.
 12 (D) Judge of the small claims court.
 13 (E) Constable of the small claims court.
 14 **After December 31, 2010, clauses (B) through (D) apply only**
 15 **to a county having a consolidated city.**
 16 (6) City offices:
 17 (A) Mayor.
 18 ~~(B) Clerk or~~ Clerk-treasurer, **if the city is a third class city.**
 19 (C) Judge of the city court.
 20 (D) City-county council member or common council member.
 21 (7) Town offices:
 22 (A) Clerk-treasurer.
 23 (B) Judge of the town court.
 24 (C) Town council member.
 25 **(b) This subsection applies after December 31, 2010. The**
 26 **township offices elected under a township plan of reorganization**
 27 **adopted under IC 36-1.5 shall be placed on the general election**
 28 **ballot after the offices described in subsection (a) in the order**
 29 **specified in the township plan of reorganization.**
 30 SECTION 16. IC 3-11-8-3, AS AMENDED BY P.L.230-2005,
 31 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2008]: Sec. 3. (a) Before each election each county executive
 33 shall secure for each precinct of the county an accessible facility in
 34 which to hold the election.
 35 (b) If an accessible facility is not available within the precinct, then
 36 the polls may be located in another precinct in the county if the polls
 37 are:
 38 (1) ~~either:~~
 39 ~~(A)~~ not more than five (5) miles from the closest boundary of
 40 the precinct for which it is the polls; ~~or~~
 41 ~~(B)~~ located in the same township as the precinct that does not
 42 have an accessible facility available; and

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(2) located in an accessible facility.

(c) If the county election board, by a unanimous vote of its entire membership, determines that an accessible facility is not available under subsection (b), the board may locate the polls in the most convenient available accessible facility in the county.

(d) If the county election board, by unanimous vote of its entire membership, determines that:

(1) an accessible facility is not available under subsection (b) or (c); and

(2) the most convenient accessible facility is located in an adjoining county;

the board may locate the polls in the facility described in subdivision (2) with the unanimous consent of the entire membership of the county election board of the county in which the facility is located.

SECTION 17. IC 3-13-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **(a) After December 31, 2010, this chapter applies only to the following:**

(1) A county having a consolidated city.

(2) A township that has adopted a township plan of reorganization under IC 36-1.5.

(b) A vacancy in a township office that was last held by a person elected or selected as a candidate of a major political party of the state shall be filled by a caucus under IC 3-13-11.

SECTION 18. IC 3-13-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. In accordance with section 12 of this chapter, if a chief deputy employee does not exist in the office of ~~clerk~~ or clerk-treasurer of a city or town, or the chief deputy employee declines or is ineligible to serve, the mayor of the city or the president of the town council shall appoint, as soon as is reasonably possible, a person to assume the duties of the office until the office is filled under this chapter.

SECTION 19. IC 4-24.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 24.5. EVALUATION AND TERMINATION OF AGENCIES AND PROGRAMS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to a state agency (as defined in IC 4-13-1-1(b)).

Sec. 3. "Committee" refers to a committee established under

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1 IC 4-24.5-2.

2 Sec. 4. "Council" refers to the legislative council established by
3 IC 2-5-1.1-1.

4 Sec. 5. "Evaluating entity" refers to:

- 5 (1) the staff of the legislative services agency; or
6 (2) the school of public and environmental affairs or business
7 school of a state educational institution in Indiana;
8 performing an evaluation of an agency or a program.

9 Sec. 6. "Program" means either of the following:

- 10 (1) An activity performed by an agency.
11 (2) An activity an agency is authorized or required to perform
12 by law.

13 Sec. 7. "State educational institution" includes Indiana
14 University, Purdue University, Ball State University, Indiana State
15 University, and the University of Southern Indiana.

16 Chapter 2. Evaluation Committee

17 Sec. 1. (a) At the time each major subject matter group of
18 agencies or programs is evaluated under this article, the council
19 shall establish a committee of sixteen (16) members, with eight (8)
20 members from each chamber of the general assembly and not more
21 than four (4) members from each chamber from the same political
22 party.

23 (b) The speaker of the house of representatives and the
24 president pro tempore of the senate shall each recommend
25 members of relevant standing committees for appointment to a
26 committee for each agency, group of agencies, or programs being
27 evaluated.

28 (c) The chairman of the council, with the advice of the vice
29 chairman of the council, shall appoint the members of each
30 committee.

31 (d) An individual serves as a member of a committee until the
32 earliest of the following:

- 33 (1) The individual resigns as a member of the committee.
34 (2) The individual ceases to be a member of the general
35 assembly.
36 (3) The chairman of the council appoints a member to replace
37 the individual.

38 (e) The chairman of the council, with the advice of the vice
39 chairman of the council, shall fill a vacancy on a committee.

40 (f) When making appointments to a committee, the chairman of
41 the council, with the advice of the vice chairman of the council,
42 shall appoint a member of each committee as the chair of the

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committee.

(g) The chair of a committee serves until the earliest of the following:

- (1) The individual resigns as chair.
- (2) The individual ceases to be a member of the committee.
- (3) The chairman of the council appoints a member to replace the individual.

(h) A committee shall be appointed for agencies and programs before July 1 of the year in which the agencies and programs are required to be evaluated under this article.

Sec. 2. Each committee shall do the following under the direction of the council:

- (1) Direct the staff of the legislative services agency to oversee each evaluation under this article.
- (2) Designate the school of public and environmental affairs or business school of a state educational institution to perform the evaluation of each agency or program scheduled for evaluation.
- (3) Direct the evaluating entities in performing each evaluation of agencies and programs.
- (4) Perform other functions assigned by the council.
- (5) Review the evaluations and make recommendations to the general assembly.

Chapter 3. Evaluation Process

Sec. 1. The following must be considered by an evaluating entity in performing evaluations of agencies or programs under this article:

- (1) The objectives intended for the agency or program and the problem or need that the agency or program was intended to address.
- (2) The degree to which the intended objectives of the agency or program have been achieved, expressed in terms of performance, effect, or accomplishments of the agency or program.
- (3) Budget and other fiscal factors relating to the agency or program.
- (4) Areas or aspects of outstanding agency or program performance that might be effectively used by other agencies or programs.
- (5) The effect of the agency or program on the Indiana economy, including costs to consumers and businesses.
- (6) Whether the operation of the agency or program has been

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efficient and responsive to public needs.

(7) The management efficiency of the agency or program and the cost effectiveness and value of the information the agency or program processes.

(8) Any criteria identified by the committee or council.

Sec. 2. In evaluating an agency or program, an evaluating entity shall use the following:

(1) The cost benefit and cost effectiveness analysis techniques used by the federal government to evaluate and reengineer government programs, as set out in the circulars published by the United States Office of Management and Budget and related documents, including the following:

(A) OMB Circular No. A-4 (development of regulatory analysis).

(B) OMB Circular No. A-76 (policy for the competition of commercial activities).

(C) OMB Circular No. A-94 (discount rates for cost-effectiveness, lease purchase, and related analyses).

(D) OMB Circular No. A-131 (use value engineering as a management tool, where appropriate, to reduce program and acquisition costs).

(2) Other tools recommended by the:

(A) council;

(B) committee;

(C) legislative services agency; or

(D) participating state educational institutions.

Sec. 3. (a) The council shall direct each committee concerning the agency or programs the committee is to evaluate.

(b) The committee shall direct the legislative services agency concerning support and oversight of the evaluation.

(c) The committee, through the legislative services agency, shall:

(1) choose the state educational institution to perform the evaluation; and

(2) supervise the state educational institution during the:

(A) performance of the evaluation;

(B) preparation of the report; and

(C) preparation of legislation;

for the committee.

Sec. 4. Each state educational institution shall direct its school of public and environmental affairs or business to work with the legislative services agency to evaluate agencies and programs.

Sec. 5. The dean of each state educational institution shall

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1 appoint a tenured faculty member to oversee the evaluation
 2 program of the school under section 4 of this chapter and to act as
 3 liaison between the school and the legislative services agency
 4 during the evaluation process.

5 Sec. 6. An evaluation program under section 4 of this chapter
 6 must be designed to give graduate students and undergraduate
 7 students of the state educational institution an opportunity to
 8 participate in the evaluation program as unpaid interns.

9 Sec. 7. (a) Each state educational institution shall offer elective
 10 courses to undergraduate and graduate students that allow interns
 11 in an evaluation program under section 4 of this chapter to:

- 12 (1) receive college credit for participating in the internship
- 13 program;
- 14 (2) receive sufficient education, counseling, and course work;
- 15 and
- 16 (3) have access to computers and other equipment to
- 17 successfully complete the internship.

18 (b) Courses offered under subsection (a) shall be submitted to
 19 the commission for higher education in the same manner as other
 20 proposed academic programs.

21 Sec. 8. Internship responsibilities and qualifications shall be
 22 developed by each state educational institution, with advice from
 23 the legislative services agency, to assist students in developing skills
 24 in:

- 25 (1) math;
- 26 (2) computers; and
- 27 (3) management analysis;

28 that are readily transferrable to public and private employment.

29 Sec. 9. A committee shall do the following:

- 30 (1) Review evaluation reports.
- 31 (2) Take testimony regarding evaluation reports and other
- 32 sources the committee considers related to the committee's
- 33 work.
- 34 (3) Make recommendations for legislation regarding
- 35 evaluated programs and agencies to:
 - 36 (A) retain the agencies and programs without change;
 - 37 (B) change functions of the agencies and programs;
 - 38 (C) transfer functions of certain agencies to other agencies;
 - 39 or
 - 40 (D) recommend administrative changes.

41 Sec. 10. (a) The following apply to the operation of a committee:

- 42 (1) A committee shall operate under the policies governing

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study committees adopted by the council unless the council specifically establishes additional guidelines for operation of a committee under this article.

(2) The affirmative votes of a majority of the voting members appointed to a committee are required for the committee to take action on any measure, including final reports.

(b) The legislative services agency shall provide staff and administrative support for each committee as directed by the council.

(c) A committee shall prepare reports as required by the council.

Chapter 4. Agency Responsibilities

Sec. 1. The chief administrative officer and the employees of an:

(1) agency; or

(2) agency that administers a program;

that is subject to evaluation under this article shall cooperate with the council, a committee, or an evaluating entity as evaluating duties are performed under this article.

Sec. 2. The chief administrative officer and the employees of an agency subject to evaluation or an agency that administers a program subject to evaluation under this article shall provide the legislative services agency and the state educational institution performing the evaluation with the following information upon request:

(1) The identity of all agencies or subunits under the agency's direct or advisory control.

(2) A statement of all the agency's powers, duties, and functions currently performed.

(3) A citation to all constitutional, statutory, or other authority under which the agency carries out the agency's powers, duties, and functions.

(4) A statement of the number and types of persons the agency serves.

(5) A summary statement, for the last completed fiscal year, of the number, type, and cost of personnel the agency:

(A) directly employs; and

(B) employs under contract;

to carry out each program administered by the agency.

(6) A statement identifying the source of all funds for which the agency has at least some responsibility.

(7) A statement of the agency's performance and accomplishments over the last five (5) fiscal years and of the

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budgetary costs the agency incurred in the operation of each program administered by the agency.

(8) A summary statement of:

(A) the agency's reporting and record keeping requirements and activities, including the agency's management and control of information and records;

(B) the value of the information gathered by the agency compared with the cost to respondents; and

(C) an assessment of the agency's methods to reduce and simplify the agency's reporting and record keeping requirements.

(9) A summary statement of the agency's budget and program for the last five (5) fiscal years and the current fiscal year, and the agency's budget projections for the next succeeding fiscal year.

(10) An estimate of potential outputs of services to be produced by varying levels of budgetary inputs.

(11) A statement concerning any powers, duties, or functions that in the agency's opinion are being performed and duplicated to any extent by another public or private program or entity, including:

(A) the manner in which and the extent to which this duplication of effort is occurring; and

(B) any recommendations the agency has to eliminate the duplication.

(12) A statement of any powers, duties, or functions that in the agency's opinion are inconsistent with current and projected public demands and that should be terminated or altered.

(13) A statement listing the private programs or entities with which the agency has substantial contacts and a description of the nature of those contacts.

(14) Any other information that the committee or evaluating entity determines is necessary to complete the evaluation.

Chapter 5. Agency Termination

Sec. 1. (a) The agencies and programs described in subsection (d) concerning education are scheduled to be:

(1) evaluated beginning not later than July 1, 2008; and

(2) terminated and all powers, duties, and functions adhering to them terminated effective June 30, 2010.

(b) The council shall appoint a committee to oversee the evaluations under this section not later than July 1, 2008. The committee appointed under this subsection terminates June 30,

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1 2011.

2 (c) The committee appointed under subsection (b) shall direct an
3 evaluating entity to begin evaluating the agencies and programs
4 described in subsection (d) beginning July 1, 2008. The evaluating
5 entity shall complete a report on the agencies and programs for
6 presentation to the committee by April 1, 2009. The committee
7 shall consider the report for the introduction of legislation for the
8 2010 regular legislative session.

9 (d) The following agencies and programs are scheduled for
10 evaluation and termination under this section:

11 (1) Department of education (IC 20-19-3) and all programs
12 for which the department of education received an
13 appropriation in the 2007 budget bill.

14 (2) Indiana state teachers' retirement fund (IC 5-10.4-2-1).

15 (3) Indiana education employment relations board
16 (IC 20-29-3-1).

17 (4) Indiana state library (IC 4-23-7-3).

18 (5) Indiana arts commission (IC 4-23-2-1).

19 (6) Indiana historical bureau (IC 4-23-7-3).

20 Sec. 2. (a) The agencies and programs described in subsection
21 (d) concerning health and human services are scheduled to be:

22 (1) evaluated under this article beginning July 1, 2009; and

23 (2) terminated and all powers, duties, and functions adhering
24 to them terminated effective June 30, 2011.

25 (b) The council shall appoint a committee to oversee the
26 evaluations under this section not later than July 1, 2009. The
27 committee appointed under this subsection terminates June 30,
28 2012.

29 (c) The committee appointed under subsection (b) shall direct an
30 evaluating entity to begin evaluating the agencies and programs
31 described in subsection (d) beginning not later than July 1, 2009.
32 The evaluating entity shall complete a report on the agencies and
33 programs for presentation to the committee by April 1, 2010. The
34 committee shall consider the report for the introduction of
35 legislation for the 2011 regular legislative session.

36 (d) The office of the secretary of family and social services
37 (IC 12-8-1-1) and all offices, divisions, and programs administered
38 by the office of the secretary of family and social services are
39 scheduled for evaluation and termination under this section.

40 Sec. 3. (a) The agencies and programs described in subsection
41 (d) concerning health and human services are scheduled to be:

42 (1) evaluated under this article beginning July 1, 2010; and

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(2) terminated and all powers, duties, and functions adhering to them terminated effective June 30, 2012.

(b) The council shall appoint a committee to oversee the evaluations under this section not later than July 1, 2010. The committee appointed under this subsection terminates June 30, 2013.

(c) The committee appointed under subsection (b) shall direct an evaluating entity to begin evaluating the agencies and programs described in subsection (d) beginning not later than July 1, 2010. The evaluating entity shall complete a report on the agencies and programs for presentation to the committee by April 1, 2011. The committee shall consider the report for the introduction of legislation for the 2012 regular legislative session.

(d) The following agencies and programs are scheduled for evaluation and termination under this section:

(1) Department of child services (IC 31-25-1-1) and all programs administered by the department.

(2) State department of health (IC 16-19-1-1) and all programs administered by the department.

(3) Indiana tobacco use prevention and cessation executive board (IC 4-12-4-4) and all programs administered by the board.

(4) Indiana School for the Blind and Visually Impaired (IC 20-21-2-1).

(5) Indiana School for the Deaf (IC 20-22-2-1).

(6) Indiana department of veterans' affairs (IC 10-17-1-2).

Sec. 4. (a) The Indiana department of transportation (IC 8-23-2-1) is scheduled to be:

(1) evaluated under this article beginning July 1, 2011; and

(2) terminated and all powers, duties, and functions adhering to the department terminated effective June 30, 2013.

(b) The council shall appoint a committee to oversee the evaluations under this section not later than July 1, 2011. The committee appointed under this subsection terminates June 30, 2014.

(c) The committee appointed under subsection (b) shall direct an evaluating entity to begin evaluating the Indiana department of transportation beginning not later than July 1, 2011. The evaluating entity shall complete a report on the Indiana department of transportation for presentation to the committee by April 1, 2012. The committee shall consider the report for the introduction of legislation for the 2013 regular legislative session.

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1 **Sec. 5. (a) The agencies and programs listed in subsection (d)**
 2 **concerning public safety are scheduled to be:**

- 3 **(1) evaluated under this article beginning July 1, 2012; and**
 4 **(2) terminated and all powers, duties, and functions adhering**
 5 **to them terminated effective June 30, 2014.**

6 **(b) The council shall appoint a committee to oversee the**
 7 **evaluations under this section not later than July 1, 2012. The**
 8 **committee appointed under this subsection terminates June 30,**
 9 **2015.**

10 **(c) The committee appointed under subsection (b) shall direct an**
 11 **evaluating entity to begin evaluating the agencies and programs**
 12 **listed in subsection (d) beginning not later than July 1, 2012. The**
 13 **evaluating entity shall complete a report on the agencies and**
 14 **programs for presentation to the committee by April 1, 2013. The**
 15 **committee shall consider the report for the introduction of**
 16 **legislation for the 2014 regular legislative session.**

17 **(d) The following agencies and programs are scheduled for**
 18 **evaluation and termination under this section:**

- 19 **(1) Department of correction (IC 11-8-2-1).**
 20 **(2) State police department (IC 10-11-2-4).**
 21 **(3) Integrated public safety commission (IC 5-26-2-1).**
 22 **(4) Adjutant general (IC 10-16-2-1).**
 23 **(5) Indiana criminal justice institute (IC 5-2-6-3).**
 24 **(6) Coroners training board (IC 4-23-6.5-3).**
 25 **(7) Indiana department of gaming research (IC 4-33-18-2).**

26 **Sec. 6. (a) The agencies and programs listed in subsection (d)**
 27 **concerning public safety are scheduled to be:**

- 28 **(1) evaluated under this article beginning July 1, 2013; and**
 29 **(2) terminated and all powers, duties, and functions adhering**
 30 **to them terminated effective June 30, 2015.**

31 **(b) The council shall appoint a committee to oversee the**
 32 **evaluations under this section not later than July 1, 2013. The**
 33 **committee appointed under this subsection terminates June 30,**
 34 **2016.**

35 **(c) The committee appointed under subsection (b) shall direct an**
 36 **evaluating entity to begin evaluating the agencies and programs**
 37 **listed in subsection (d) beginning not later than July 1, 2013. The**
 38 **evaluating entity shall complete a report on the agencies and**
 39 **programs for presentation to the committee by April 1, 2014. The**
 40 **committee shall consider the report for the introduction of**
 41 **legislation for the 2015 regular legislative session.**

42 **(d) The following agencies and programs are scheduled for**

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1 evaluation and termination under this section:

- 2 (1) Law enforcement training board (IC 5-2-1-3).
- 3 (2) Bureau of motor vehicles (IC 9-14-1-1).
- 4 (3) Department of labor (IC 22-1-1-1).
- 5 (4) Department of insurance (IC 27-1-1-1).
- 6 (5) Alcohol and tobacco commission (IC 7.1-2-1-1).
- 7 (6) Department of financial institutions (IC 28-1).
- 8 (7) Civil rights commission (IC 22-9-1-4).
- 9 (8) Indiana professional licensing agency (IC 25-1-5-3).
- 10 (9) Office of utility consumer counselor (IC 8-1-1.1-2).
- 11 (10) Indiana utility regulatory commission (IC 8-1-1-2).
- 12 (11) Worker's compensation board of Indiana (IC 22-3-1-1).
- 13 (12) Department of homeland security (IC 10-19-2-1).

14 Sec. 7. (a) The agencies and programs listed in subsection (d)
15 concerning economic development are scheduled to be:

- 16 (1) evaluated under this article beginning July 1, 2014; and
- 17 (2) terminated and all powers, duties, and functions adhering
18 to them terminated effective June 30, 2016.

19 (b) The council shall appoint a committee to oversee the
20 evaluations under this section not later than July 1, 2014. The
21 committee appointed under this subsection terminates June 30,
22 2015.

23 (c) The committee appointed under subsection (b) shall direct an
24 evaluating entity to begin evaluating the agencies and programs
25 listed in subsection (d) beginning not later than July 1, 2014. The
26 evaluating entity shall complete a report on the agencies and
27 programs for presentation to the committee by April 1, 2015. The
28 committee shall consider the report for the introduction of
29 legislation for the 2016 regular legislative session.

30 (d) The following agencies and programs are scheduled for
31 evaluation and termination under this section:

- 32 (1) Department of agriculture (IC 15-9-2-1).
- 33 (2) Indiana economic development corporation (IC 5-28-3-1).
- 34 (3) Indiana finance authority (IC 4-4-11).
- 35 (4) Indiana housing and community development authority
36 (IC 5-20-1-3).
- 37 (5) Department of workforce development (IC 22-4-18-1).

38 Sec. 8. (a) The agencies and programs listed in subsection (d)
39 concerning conservation and environment are scheduled to be:

- 40 (1) evaluated under this article beginning July 1, 2015; and
- 41 (2) terminated and all powers, duties, and functions adhering
42 to them terminated effective June 30, 2017.

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(b) The council shall appoint a committee to oversee the evaluations under this section not later than July 1, 2015. The committee appointed under this subsection terminates June 30, 2018.

(c) The committee appointed under subsection (b) shall direct an evaluating entity to begin evaluating the agencies and programs listed in subsection (d) beginning not later than July 1, 2015. The evaluating entity shall complete a report on the agencies and programs for presentation to the committee by April 1, 2016. The committee shall consider the report for the introduction of legislation for the 2017 regular legislative session.

(d) The following agencies and programs are scheduled for evaluation and termination under this section:

- (1) Department of natural resources (IC 14-9-1-1).
- (2) Indiana war memorials commission (IC 10-18-1-2).
- (3) Indiana White River state park development commission (IC 14-13-1-5).
- (4) St. Joseph River basin commission (IC 14-30-3-5).
- (5) Department of environmental management (IC 13-13-1-1).
- (6) Office of environmental adjudication (IC 4-21.5-7-3).

Sec. 9. (a) The agencies and programs listed in subsection (d) concerning general government are scheduled to be:

- (1) evaluated under this article beginning July 1, 2016; and
- (2) terminated and all powers, duties, and functions adhering to them terminated effective June 30, 2018.

(b) The council shall appoint a committee to oversee the evaluations under this section not later than July 1, 2016. The committee appointed under this subsection terminates June 30, 2019.

(c) The committee appointed under subsection (b) shall direct an evaluating entity to begin evaluating the agencies and programs listed in subsection (d) beginning not later than July 1, 2016. The evaluating entity shall complete a report on the agencies and programs for presentation to the committee by April 1, 2017. The committee shall consider the report for the introduction of legislation for the 2018 regular legislative session.

(d) The following agencies and programs are scheduled for evaluation and termination under this section:

- (1) State board of accounts (IC 5-11-1-1).
- (2) Office of management and budget (IC 4-3-22-3).
- (3) Budget agency (IC 4-12-1-3).
- (4) Department of state revenue (IC 6-8.1-2-1).

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- (5) Indiana horse racing commission (IC 4-31-3-1).
- (6) Department of local government finance (IC 4-22-5).
- (7) Indiana board of tax review (IC 6-1.5-2-1).
- (8) Indiana department of administration (IC 4-13-1-2).
- (9) State personnel department (IC 4-15-1.8-2).
- (10) Office of technology (IC 4-13.1-2-1).
- (11) Commission on public records (IC 5-15-5.1-3).
- (12) Office of the public access counselor (IC 5-14-4-5).
- (13) Office of the inspector general (IC 4-2-7-2).

Sec. 10. Each agency or program that is not terminated under this chapter is subject to the evaluation and termination process ten (10) years after the initial evaluation under this chapter and every ten (10) years thereafter.

Sec. 11. (a) The governor, by executive order, may delay the date on which an agency or a program is terminated for one (1) year beyond the date of termination specified by the council, if, in the governor's opinion, the delay will have a beneficial effect for the state on the:

- (1) orderly and adequate provision of government services;
- (2) safety of persons or property;
- (3) economy;
- (4) natural environment; or
- (5) well-being of individuals.

(b) There is appropriated to any agency or program for which the governor delays the date of termination the same sum from the same sources of funds that the agency or program received for its appropriation in the fiscal year before its original date for termination.

(c) All powers, duties, and functions of an agency or a program for which the governor delays the date of termination continue in full force and effect during the delay period.

(d) An agency or a program may not be continued by executive order for more than one (1) period of one (1) year.

Chapter 6. Termination Procedures

Sec. 1. An agency or a program is terminated under this article unless the general assembly enacts legislation to continue the agency or program. If an agency or a program is terminated under this article, the procedures in this chapter apply.

Sec. 2. Any balance in any fund appropriated for any agency or program that is terminated reverts to the fund from which the appropriation was made.

Sec. 3. If the functions of an agency or a program are

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transferred to another state agency or program, the balance of any money appropriated to the agency or program from which the duties were transferred shall be transferred to the agency or program responsible for continuing the duties of the agency or program.

Sec. 4. All assets and liabilities of an agency or a program that is terminated shall be disposed of or redistributed according to the legislation enacted to terminate or transfer the agency or program.

Sec. 5. The governor shall take action necessary to effect an orderly termination of an agency or a program that is terminated under this chapter.

Chapter 7. New Agencies

Sec. 1. Any proposal to create a new agency or program must include a cost benefit analysis of the services to be provided by the new agency or program using the criteria in IC 4-24.5-3.

Sec. 2. If legislation creating a new agency or program after April 1, 2008, does not include a provision setting the date for termination of the agency or program, the council shall add the agency or program to the list of agencies or programs under IC 4-24.5-5-1 through IC 4-24.5-5-9 most closely related to the agency or program and shall evaluate the agency or program with the agencies or programs with similar functions.

SECTION 20. IC 5-2-1-9, AS AMENDED BY P.L.230-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.
- (2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.
- (3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.
- (4) Minimum standards for a course of study on cultural diversity

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1 awareness that must be required for each person accepted for
2 training at a law enforcement training school or academy.

3 (5) Minimum qualifications for instructors at approved law
4 enforcement training schools.

5 (6) Minimum basic training requirements which law enforcement
6 officers appointed to probationary terms shall complete before
7 being eligible for continued or permanent employment.

8 (7) Minimum basic training requirements which law enforcement
9 officers appointed on other than a permanent basis shall complete
10 in order to be eligible for continued employment or permanent
11 appointment.

12 (8) Minimum basic training requirements which law enforcement
13 officers appointed on a permanent basis shall complete in order
14 to be eligible for continued employment.

15 (9) Minimum basic training requirements for each person
16 accepted for training at a law enforcement training school or
17 academy that include six (6) hours of training in interacting with
18 persons with mental illness, addictive disorders, mental
19 retardation, and developmental disabilities, to be provided by
20 persons approved by the secretary of family and social services
21 and the board.

22 (10) Minimum standards for a course of study on human and
23 sexual trafficking that must be required for each person accepted
24 for training at a law enforcement training school or academy and
25 for inservice training programs for law enforcement officers. The
26 course must cover the following topics:

27 (A) Examination of the human and sexual trafficking laws
28 (IC 35-42-3.5).

29 (B) Identification of human and sexual trafficking.

30 (C) Communicating with traumatized persons.

31 (D) Therapeutically appropriate investigative techniques.

32 (E) Collaboration with federal law enforcement officials.

33 (F) Rights of and protections afforded to victims.

34 (G) Providing documentation that satisfies the Declaration of
35 Law Enforcement Officer for Victim of Trafficking in Persons
36 (Form I-914, Supplement B) requirements established under
37 federal law.

38 (H) The availability of community resources to assist human
39 and sexual trafficking victims.

40 (b) Except as provided in subsection (l), a law enforcement officer
41 appointed after July 5, 1972, and before July 1, 1993, may not enforce
42 the laws or ordinances of the state or any political subdivision unless

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the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (l), (q), and (r), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
 - (2) an:
 - (A) attorney; or
 - (B) investigator;
- designated by the securities commissioner as a police officer of the state under IC 23-2-1-15(i).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a

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pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking. The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a

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candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department

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established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by ~~IC 11-13-1-3.5(3)~~. **rules adopted by the supreme court.**

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) worked as a full-time law enforcement officer for at least one (1) year before the officer is hired under subdivision (1);

(3) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and

(4) completed a basic training course certified by the board before the officer is hired under subdivision (1).

(o) An officer to whom subsection (n) applies must successfully complete the refresher course described in subsection (n) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(p) A law enforcement officer who:

(1) has completed a basic training course certified by the board; and

(2) has not been employed as a law enforcement officer in the six (6) years before the officer is hired as a law enforcement officer;

is not eligible to attend the refresher course described in subsection (n) and must repeat the full basic training course to regain law enforcement powers.

(q) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers

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described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(r) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

SECTION 21. IC 6-1.1-17-3, AS AMENDED BY P.L.219-2007, SECTION 49, AND AS AMENDED BY P.L.224-2007, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

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(1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under ~~IC 6-1.1-15-1(b)~~; IC 6-1.1-15-1(c);

(2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

(A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);

(B) any deductions or exemptions that apply to the assessed valuation of the tangible property;

(C) any credits that apply in the determination of the tax liability; and

(D) the county auditor's best estimate of the effects on the tax liability that might result from actions of:

(i) the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*); or

(ii) the department of local government finance;

(3) a prominently displayed notation that:

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by:

(i) the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*); or

(ii) the department of local government finance;

it is possible that the tax liability as finally determined will differ substantially from the estimate;

(4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

(5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a).

(c) The department of local government finance shall:

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(1) prescribe a form for; and

(2) provide assistance to county auditors in preparing; statements under subsection (b). Mailing the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b).

(d) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(e) **Except as provided in subsection (f),** the trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(f) This subsection applies only to a county for taxes first due and payable after 2010. This subsection does not apply to the following:

(1) A county having a consolidated city.

(2) A township that has adopted a plan of reorganization under IC 36-1.5.

The county administrator for township assistance in a county not having a consolidated city shall estimate the amount necessary to meet the cost of township assistance in the county for the ensuing calendar year. The county legislative body shall adopt with the county budget a tax rate uniform throughout the county sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund of the county.

(g) A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.

(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.

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A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 22. IC 6-1.1-17-20, AS AMENDED BY P.L.1-2006, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) This section applies

(1) to each governing body of a taxing unit that is not comprised of a majority of officials who are elected to serve on the governing body. and

(2) if the proposed property tax levy:

(A) for the taxing unit (other than a public library) for the ensuing calendar year is more than five percent (5%) greater than the property tax levy for the taxing unit for the current calendar year; or

(B) for the operating budget of a public library for the ensuing calendar year is more than five percent (5%) greater than the property tax levy for the operating budget of the public library for the current calendar year.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include

(1) a school corporation; or

(2) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) This subsection does not apply to a public library. If:

(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted at least fourteen (14) days before the city or town fiscal body is required to hold budget approval hearings under this chapter.

(d) This subsection does not apply to a public library. If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted at least fourteen (14) days before the county fiscal body is required to hold budget approval hearings under this chapter.

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(e) This subsection applies to a public library. The library board of a public library subject to this section shall submit its proposed budget and property tax levy to the fiscal body designated under IC 36-12-14.

(f) Subject to subsection (g), the fiscal body of the city, town, or county (whichever applies) or the fiscal body designated under IC 36-12-14 (in the case of a public library) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(g) A fiscal body's review under subsection (f) is limited to the proposed operating budget of the public library and the proposed property tax levy for the library's operating budget.

SECTION 23. IC 6-1.1-18-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) The proper officers of a political subdivision may transfer money from one (1) major budget classification to another within a department or office **or between departments in the same fund of the political subdivision** if:

- (1) they determine that the transfer is necessary;
- (2) the transfer does not require the expenditure of more money than the total amount set out in the budget as finally determined under this article; and
- (3) the transfer is made at a regular public meeting and by proper ordinance or resolution.

(b) A transfer may be made under this section without notice and without the approval of the department of local government finance.

SECTION 24. IC 6-1.1-18.5-10.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 10.4. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a township or a fire protection district under IC 36-8-14 **or to ad valorem property taxes imposed by a county under IC 36-8-13.5.**

(b) For purposes of computing the ad valorem property tax levy limit imposed on a township or a fire protection district under section 3 of this chapter, the township's, **county's**, or the fire protection district's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-14 **or IC 36-8-13.5.**

SECTION 25. IC 6-1.1-18.5-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 18.5. The maximum permissible ad valorem property tax levy for the county's**

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1 firefighting fund under IC 36-8-13.5-3 is the amount determined in
2 STEP TWO of the following STEPS:

3 **STEP ONE: Determine:**

4 (A) for ad valorem property taxes first due and payable in
5 2012, the maximum permissible ad valorem property tax
6 levy for the county's firefighting fund determined in
7 IC 36-6-1.1-6 for ad valorem property taxes first due and
8 payable in 2011; or

9 (B) for ad valorem property taxes first due and payable
10 after 2012, the maximum permissible ad valorem property
11 tax levy for the county's firefighting fund determined
12 under this section for ad valorem property taxes first due
13 and payable in the immediately preceding calendar year.

14 **STEP TWO: Multiply the amount determined in STEP ONE**
15 **by the amount determined in the last STEP of section 2(b) of**
16 **this chapter.**

17 SECTION 26. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2008]: **Sec. 22. The ad valorem property tax**
20 **levy limits imposed by this chapter do not apply to ad valorem**
21 **property taxes imposed by a county to pay or fund any**
22 **indebtedness assumed, defeased, paid, or refunded under**
23 **IC 36-6-1.1.**

24 SECTION 27. IC 11-12-10-4 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The department
26 shall reimburse communities on a per diem basis for services provided
27 to persons assigned to a community transition program under
28 IC 11-10-11.5.

29 (b) The department shall set the per diem rate under this section. In
30 setting the per diem rate for a community, the department may consider
31 the direct costs incurred by the community to provide a community
32 transition program. The per diem may not be less than seven dollars
33 (\$7).

34 (c) Funding provided under this section is in addition to any other
35 funding received ~~under IC 11-12-2~~ for community corrections
36 programs or ~~IC 11-13-2~~ for probation services.

37 (d) Money received by a community under this section shall be
38 deposited in the community transition program fund for the
39 community.

40 SECTION 28. IC 12-14-30 IS ADDED TO THE INDIANA CODE
41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
42 JANUARY 1, 2011]:

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Chapter 30. Township Assistance in Certain Townships

Sec. 1. (a) This chapter does not apply to the following:

(1) A county having a consolidated city.

(2) A county in which all the townships have adopted a plan of reorganization under IC 36-1.5.

(b) Township assistance as established in this chapter does not apply in a township that has adopted a plan of reorganization under IC 36-1.5.

Sec. 2. (a) Notwithstanding any other law, a county shall establish a county township assistance fund.

(b) The fund shall be raised by a tax levy that:

(1) is in addition to all other tax levies authorized; and

(2) shall be levied annually by the county fiscal body on all taxable property in the county, other than property located in a township described in section 1(b) of this chapter, in the amount necessary to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual township assistance budget for the county.

(c) The tax imposed under this section shall be collected as other state and county ad valorem taxes are collected.

(d) The following shall be paid into the county township assistance fund:

(1) All receipts from the tax imposed under this section.

(2) Any other money required by law to be placed in the fund.

(e) The fund is available to pay expenses and obligations set forth in the annual budget.

(f) Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 29. IC 12-20-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) As used in this section, "reorganized township" refers to a township that has adopted a township plan of reorganization under IC 36-1.5.

(b) Except as provided in subsections (c) and (d), IC 12-20-2 through IC 12-20-28 apply only to:

(1) townships in a county having a consolidated city; and

(2) reorganized townships.

(c) The county administrator of township assistance shall administer township assistance for townships that are not reorganized townships. The county administrator shall be appointed by the county executive with the approval of the county council. The county administrator shall administer township

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1 assistance on a countywide basis in those townships that are not
2 reorganized townships.

3 (d) The following apply to the administration of township
4 assistance by a county administrator under subsection (c):

5 (1) A suit or proceeding in favor of or against the county
6 administrator of township assistance concerning township
7 assistance shall be conducted in favor of or against the county
8 in the county's corporate name.

9 (2) The county administrator of township assistance is entitled
10 to the same protections and immunities as are accorded to the
11 township executive under IC 12-20-3.

12 (3) The county administrator of township assistance has the
13 same powers in the administration of township assistance in
14 the county as a township executive has in the administration
15 of township assistance in a township under IC 12-20-4,
16 IC 12-20-5, IC 12-20-15, IC 12-20-16, IC 12-20-17,
17 IC 12-20-18, and IC 12-20-19.

18 (4) The same standards and requirements that:

19 (A) apply to; or

20 (B) may be imposed upon;

21 recipients of and applicants for township assistance under
22 IC 12-20-6, IC 12-20-7, IC 12-20-8, IC 12-20-9, IC 12-20-10,
23 IC 12-20-11, IC 12-20-12, and IC 12-20-13 apply to or may be
24 imposed upon recipients of and applicants for township
25 assistance administered by a county administrator of
26 township assistance.

27 (5) The county administrator of township assistance may
28 assert a claim against the estate of an individual who received
29 township assistance from the county to the same extent as a
30 township executive may assert a claim under IC 12-20-27
31 against the estate of an individual who received township
32 assistance from the township.

33 (6) The county administrator of township assistance is subject
34 to the same reporting requirements with respect to township
35 assistance administered in the county as a township executive
36 is subject to under IC 12-20-28 with respect to township
37 assistance administered in the township.

38 (7) The county administrator shall propose uniform standards
39 for the issuance of township assistance in those townships that
40 are not reorganized townships and the processing of
41 applications for township assistance that meet the
42 requirements of IC 12-20-5.5. The standards shall be adopted

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by the county legislative body and filed with the county commissioners.

SECTION 30. IC 13-25-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Reimbursement is available under this chapter for expenses, except for expenses of a type that the agency normally incurs in responding to emergencies that do not involve hazardous materials, that are incurred in taking emergency action by an emergency response agency other than a fire department that is described in subsection (b).

(b) Reimbursement is available under this chapter and IC 36-8-12.2 for expenses that are incurred in taking emergency action by a fire department that:

(1) is established under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or (after December 31, 2010) IC 36-8-13.5;** and

(2) employs:

(A) both full-time paid members and volunteer members; or

(B) only full-time paid members.

SECTION 31. IC 13-25-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. An emergency response agency or a governmental entity may obtain reimbursement under this chapter by filing an action for reimbursement in a court of general jurisdiction of:

(1) a county in which a hazardous materials emergency arose; or

(2) the county in which the unit that established the fire department is located, if the emergency response agency is a fire department that:

(A) is established by a unit under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or (after December 31, 2010)**

IC 36-8-13.5; and

(B) employs:

(i) both full-time paid members and volunteer members; or

(ii) only full-time paid members.

SECTION 32. IC 14-15-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) As used in this section, "litter" means bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, plastic, or similar refuse.

(b) In the operation or use of watercraft, a person may not throw, dump, place, deposit, or cause or permit to be thrown, dumped, placed, or deposited:

(1) any litter, filth, or putrid or unwholesome substance; or

(2) the contents of a water closet or toilet, catch basin, or grease trap;

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in or upon public water or the banks of public water.

(c) Notwithstanding IC 36-1-3-8(a), a city, town, or county may regulate littering on public property (including the placement and type of containers provided for refuse) as follows:

(1) The legislative body (as defined in IC 36-1-2-9) may adopt an ordinance that is at least as restrictive or more restrictive than this section.

(2) A park board of a city, town, or county may adopt a regulation that is at least as restrictive or more restrictive than this section with respect to parks and recreation areas within the park board's jurisdiction. A civil penalty for violation of a park board regulation is not enforceable unless the legislative body (as defined in IC 36-1-2-9) of the city, town, or county adopts an ordinance authorizing a penalty for violation of the regulation.

(3) A civil penalty for a violation of an ordinance or regulation under this subsection may not exceed:

(A) one hundred dollars (\$100) for the first violation;

(B) two hundred fifty dollars (\$250) for the second violation; and

(C) five hundred dollars (\$500) for any subsequent violation.

All civil penalties collected for violations of an ordinance or regulation under this subsection must be deposited in the general fund of the city, town, or county.

SECTION 33. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 0.5. (a) As used in this chapter, "reorganized township" refers to a township that has adopted a township plan of reorganization under IC 36-1.5.

(b) The powers and duties established by this chapter are conferred and imposed on the following:

(1) In a county having a consolidated city, on the township trustee with respect to property in the township.

(2) In a reorganized township, the township officer or employee designated by the township plan of reorganization.

(3) In a township that is not a reorganized township, on the county in which the township is located with respect to property in the township.

SECTION 34. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) As used in this chapter, "detrimental plant" includes Canada thistle (cirsium

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arvense), Johnson grass, sorghum alumun (sorghum halrphense), bur cucumber (sicyos angulatus), shattercane (Sorghum bicolor [L.] Moench spp. drummondii [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

(b) As used in this chapter, "fund" means:

(1) in the case of:

(A) a reorganized township; or

(B) a township in a county having a consolidated city;
the township fund; or

(2) in the case of a township that is not a reorganized township, the appropriate county fund.

(c) As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state or a political subdivision, or a group of those persons acting in concert.

(d) A person owning or possessing real estate in Indiana shall destroy detrimental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detrimental plants from maturing on any such real estate.

SECTION 35. IC 15-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) ~~A township trustee who has~~ **If there is** reason to believe that detrimental plants may be on real estate, **the township executive or, in a township that is not a reorganized township, the county** may, after giving forty-eight (48) hours notice to the owner or person in possession of the property, enter the real estate to investigate.

(b) Except as provided in subsection (c), if the township ~~trustee~~ **executive or the county** determines after investigating the property or by visual inspection without entering the property that a person has detrimental plants growing on ~~real estate in the township~~ **the person's property** that have not been destroyed as described in section 1 of this chapter, ~~the trustee of the township in which the real estate is located~~ **executive or county** shall notify, in writing, the owner or person in possession of the real estate to destroy the detrimental plants in a manner provided in section 1 of this chapter within five (5) days after the notice is given. If the detrimental plants are not destroyed as provided in section 1 of this chapter within five (5) days after notice is given, the ~~trustee~~ **township executive or county** shall cause the detrimental plants to be destroyed in a manner seeming most practical

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1 to the ~~trustee~~ **township executive or county** within three (3) additional
 2 days. The ~~trustee~~ **township executive or county** may hire a person to
 3 destroy the detrimental plants. The ~~trustee~~, **township executive, an**
 4 **officer of the county**, or the person employed **by the township**
 5 **executive or the county** to destroy the detrimental plants may enter
 6 upon the real estate where the detrimental plants are growing to destroy
 7 the detrimental plants, and are not civilly or criminally liable for
 8 damage to crops, livestock, or other property occurring while carrying
 9 out such work, except for gross negligence or willful or wanton
 10 destruction.

11 (c) If the county **in which the property is located** has established
 12 a county weed control board under IC 15-3-4.6, the township ~~trustee~~
 13 **executive** may notify the county weed control board of the real estate
 14 containing detrimental plants, and the board shall either assume
 15 jurisdiction to control the detrimental plants or decline jurisdiction and
 16 refer the matter back to the township ~~trustee~~ **executive**. The county
 17 weed control board shall notify the township ~~trustee~~ **executive** of the
 18 board's decision.

19 (d) Notice required in subsection (a) or (b) may be given:

20 (1) by mail, using certified mail; or

21 (2) by personal service.

22 (e) Notice under subsection (d) is considered received by the owner
 23 or person in possession of the real estate:

24 (1) if sent by mail, on the earlier of:

25 (A) the date of signature of receipt of the mailing; or

26 (B) three (3) business days after the date of mailing; or

27 (2) if served personally, on the date of delivery.

28 SECTION 36. IC 15-3-4-3 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) The
 30 township ~~trustee~~ **executive or county** may pay for the chemicals, work,
 31 and labor performed in cutting or destroying detrimental plants under
 32 this chapter at a rate per hour to be fixed by the township ~~trustee~~
 33 **executive or county** commensurate with local hourly wages.

34 (b) In all cases in which the infestation of the land with detrimental
 35 plants is so great and widespread as ~~in the opinion of the trustee~~ to
 36 render such cutting or eradication by hand methods impractical, the
 37 ~~trustee~~ **township executive or county** shall engage the necessary
 38 power machinery or equipment and may pay for the work at a rate per
 39 hour fixed by the township ~~trustee~~ **executive or county** commensurate
 40 with the local hourly rate.

41 (c) When the work has been performed, the person doing the work
 42 shall file an itemized bill for the work ~~in the office of the trustee of~~

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1 **with the township and executive or the county.** When the bill has
 2 been approved, the ~~trustee~~ **township executive** shall pay the bill out of
 3 the township fund, **or the county shall pay the bill out of the**
 4 **appropriate county fund.** The ~~trustee of the township executive or~~
 5 **county** shall certify the cost or expense of the work and the cost of the
 6 chemicals, adding to ~~such~~ the bill twenty dollars (\$20) per day for each
 7 day that the ~~trustee, township executive, the county, or the trustee's~~
 8 **township executive's or county's** agent supervises the performance of
 9 the services required under this chapter as compensation for services,
 10 with a description of the real estate on which the labor was performed.

11 (d) The certified statement of costs prepared under subsection (c)
 12 shall be mailed using certificate of mailing to, or personally served on,
 13 the owner or person possessing the real estate. The certified statement
 14 shall be mailed to the auditor of state for any real estate owned by the
 15 state or to the fiscal officer of another municipality (as defined in
 16 IC 5-11-1-16) for real estate owned by the municipality. The statement
 17 shall request that the person pay the cost of performing the service
 18 under subsection (c) to the township ~~trustee executive or the county.~~

19 (e) If the owner or person in possession of the property does not pay
 20 the amount set forth in the statement within ten (10) days after
 21 receiving the notice under subsection (d), ~~the township trustee shall file~~
 22 a copy of the certified statement **shall be filed** in the office of the
 23 county auditor of the county where the real estate is located.

24 (f) The auditor shall place the amount claimed in the certified
 25 statement on the tax duplicate of the real estate. Except as provided in
 26 subsections (j) through (l), the amount claimed shall be collected as
 27 taxes are collected.

28 (g) After an amount described in subsection (f) is collected, the
 29 funds shall be deposited in the ~~trustee's township funds~~ **fund** for use at
 30 the discretion of:

31 (1) the ~~trustee, township executive in the case of property~~
 32 **located in a reorganized township; or**

33 (2) the county, in the case of property located in a township
 34 **that is not a reorganized township.**

35 (h) If there is no money available in ~~the township~~ a fund for that
 36 purpose, ~~the township board~~ upon finding an emergency exists:

37 (1) the township legislative body shall act under IC 36-6-6-14(b)
 38 or IC 36-6-6-15, **in the case of a reorganized township; or**

39 (2) the county legislative body shall act in the case of a
 40 **township that is not a reorganized township;**

41 to borrow a sum of money sufficient to meet the emergency.

42 (i) ~~The trustee, when submitting estimates~~ **An estimate submitted**

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1 to ~~the township board~~ **a legislative body** for action ~~shall under~~
 2 **subsection (h) must** include ~~in the estimates~~ an item sufficient to cover
 3 ~~those~~ expenditures **necessary to meet the emergency.**

4 (j) This subsection applies to real estate owned by the state. The
 5 auditor of state shall issue a warrant to pay the amount set forth in the
 6 certified statement of costs for real estate owned by the state and shall
 7 charge the appropriate fund for the amount.

8 (k) This subsection applies to real estate owned by a municipality
 9 (as defined in IC 5-11-1-16) other than the township **or county.** The
 10 fiscal officer of the municipality shall make the necessary appropriation
 11 from the appropriate fund to pay ~~the township~~ the amount set forth in
 12 the certified statement of costs for real estate owned by the
 13 municipality.

14 (l) This subsection applies to real estate that is exempt from
 15 property taxation. The owner of the tax exempt real estate shall pay the
 16 amount set forth in the certified statement of costs for the tax exempt
 17 real estate. If the owner of the tax exempt real estate fails to pay the
 18 amount required by this chapter, the owner is ineligible for the property
 19 tax exemption, and the department of local government finance shall
 20 deny the property tax exemption for the real estate.

21 SECTION 37. IC 15-3-4-4 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. Except as
 23 provided in section 3 of this chapter, the county auditor, upon receiving
 24 and filing ~~such trustee's a~~ certificate as prescribed in this **section 3(e)**
 25 **of this chapter**, shall immediately place ~~said the~~ amounts **shown on**
 26 **the certificate** on the tax duplicate of the county, and ~~such those~~
 27 amounts shall be due at the next tax paying time and shall be collected
 28 for the proper township or townships, **or for the county**, the same as
 29 other state, county, or township taxes are collected, including penalties,
 30 forfeitures, and sales, and when so collected shall be paid to the proper
 31 **trustee township or county officer** and placed in the **appropriate**
 32 township **or county** fund.

33 SECTION 38. IC 15-3-4-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) A person
 35 who:

- 36 (1) knowingly allows detrimental plants to grow and mature on
 37 land owned or possessed by the person;
- 38 (2) knowing of the existence of detrimental plants on land owned
 39 or possessed by the person, fails to cut them down or eradicate
 40 them by chemicals each year, as prescribed in this chapter;
- 41 (3) having charge of or control over any highway, knowingly
 42 allows detrimental plants to grow or mature on the right-of-way

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of the highway, or, knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter;

(4) having charge of or control over the right-of-way of a railroad or interurban company, knowingly allows detrimental plants to grow and mature thereon, or knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter; or

(5) knowingly sells Canada thistle (*cirsium arvense*) seed;

commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

(b) All judgments collected under this section shall be:

(1) paid to the ~~trustee~~ **township executive** and placed in the ~~trustee's township funds~~ **fund** for use at the discretion of the ~~trustee;~~ **township executive in the case of property located:**

(A) in a county having a consolidated city; or

(B) in a reorganized township; or

(2) paid to the county and placed in the appropriate county fund, in the case of property located in a township that is not a reorganized township.

SECTION 39. IC 15-3-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) **This section applies only to the following:**

(1) **A township located in a county having a consolidated city.**

(2) **A reorganized township.**

(b) When the annual budget is prepared, a sufficient amount shall be appropriated to enable the township officials to comply with this chapter.

SECTION 40. IC 15-3-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. (a) The Purdue University cooperative extension service shall provide technical assistance ~~to township trustees~~ for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township **or county** shall assist the township ~~trustee~~ **executive or the county** in carrying out the duties imposed on the ~~trustee~~ **township executive or county** under this chapter.

SECTION 41. IC 15-3-4.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) **member appointed as follows:**

(A) A township ~~trustee~~ **executive of a township in the county.**

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(B) In a county that does not have:

(i) a consolidated city; or

(ii) a reorganized township;

the official responsible for the destruction of detrimental plants described in this chapter or the official's designee.

(2) One (1) soil and water conservation district supervisor.

(3) A representative from the agricultural community of the county.

(4) A representative from the county highway department or an appointee of the county commissioners. ~~and~~

(5) A cooperative extension service agent from the county to serve in non-voting advisory capacity.

Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments. The board shall elect a chairman and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to such traveling and other expenses as may be necessary in the discharge of their duties. The board may appoint an executive director and employ necessary technical, professional, and other assistants, and it shall fix the qualifications, duties, and salaries of these employees subject to the permission of the county council. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall serve as inspectors for the board. They shall make periodic inspections and report their findings to the board and the executive director, if any.

SECTION 42. IC 16-31-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **(a) After December 31, 2010, this section, as it applies to townships, applies only to the following:**

(1) A township reorganized under IC 36-1.5.

(2) A township:

(A) in a county having a consolidated city; and

(B) that has not consolidated the township's fire department under IC 36-3-1-6.1.

(b) The governing body of a city, town, township, or county by the governing body's action or in any combination may do the following:

(1) Establish, operate, and maintain emergency medical services.

(2) Levy taxes under and limited by IC 6-3.5 and expend appropriated funds of the political subdivision to pay the costs and expenses of establishing, operating, maintaining, or contracting for emergency medical services.

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(3) Except as provided in section 2 of this chapter, authorize, franchise, or contract for emergency medical services. However:

(A) a county may not provide, authorize, or contract for emergency medical services within the limits of any city without the consent of the city; and

(B) a city or town may not provide, authorize, franchise, or contract for emergency medical services outside the limits of the city or town without the approval of the governing body of the area to be served.

(4) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(5) Establish and provide for the collection of reasonable fees for emergency ambulance services the governing body provides under this chapter.

(6) Pay the fees or dues for individual or group membership in any regularly organized volunteer emergency medical services association on their own behalf or on behalf of the emergency medical services personnel serving that unit of government.

SECTION 43. IC 16-41-19-7, AS AMENDED BY P.L.73-2005, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. **(a) In a township not located in a county having a consolidated city and not reorganized under IC 36-1.5:**

(1) the county has all the rights, duties, and responsibilities of the township; and

(2) the county administrator for township assistance has all the rights, duties, and responsibilities of a township executive; under this section.

(a) (b) Except as provided in subsection ~~(b)~~; **(c)**, all costs that are incurred in furnishing biologicals under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

(1) the appropriate county, city, or town against which the application form is issued from general funds; ~~and~~

(2) the appropriate township against which the application form is issued from funds in the township assistance fund; **and**

(3) in the case of a township not:

(A) located in a county having a consolidated city; or

(B) reorganized under IC 36-1.5;

the appropriate county against which the application form is issued from funds in the county township assistance fund established under IC 12-14-30;

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not otherwise appropriated without appropriations.

~~(b)~~ (c) A township is not responsible for paying for biologicals as provided in subsection ~~(a)(2)~~ (b) if the township ~~trustee~~ **executive** has evidence that the individual has the financial ability to pay for the biologicals.

~~(c)~~ (d) After being presented with a legal claim for insulin being furnished to the same individual a second time, a township ~~trustee~~ **executive** may require the individual to complete and file a standard application for township assistance in order to investigate the financial condition of the individual claiming to be indigent. The ~~trustee~~ **township executive** shall immediately notify the individual's physician that:

(1) the financial ability of the individual claiming to be indigent is in question; and

(2) a standard application for township assistance must be filed with the township.

The township shall continue to furnish insulin under this section until the township ~~trustee~~ **executive** completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

~~(d)~~ (e) For purposes of this section, the township shall consider an adult individual needing insulin as an individual and not as a member of a household requesting township assistance.

SECTION 44. IC 20-23-4-12, AS AMENDED BY P.L.2-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) In formulating a preliminary reorganization plan and with respect to each of the community school corporations that are a part of the reorganization plan, the county committee shall determine the following:

(1) The name of the community school corporation.

(2) Subject to subsection (e), a general description of the boundaries of the community school corporation.

(3) With respect to the board of school trustees, **the following:**

(A) Whether the number of members is:

(i) three (3);

(ii) five (5); or

(iii) seven (7).

~~(B)~~ whether the members are elected or appointed;

~~(C)~~ if the members are appointed:

(i) when the appointments are made; and

(ii) who makes the appointments;

~~(D)~~ if (B) That the members are elected ~~whether the election is at~~

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- 1 (i) the primary election at which county officials are
- 2 nominated; or
- 3 (ii) the general election at which county officials are elected.
- 4 and
- 5 ~~(E)~~ (C) Subject to sections 21 and 22 of this chapter, the
- 6 manner in which members are elected. ~~or appointed.~~
- 7 (4) The compensation, if any, of the members of the regular and
- 8 interim board of school trustees, which may not exceed the
- 9 amount provided in IC 20-26-4-7.
- 10 (5) Subject to subsection (f), qualifications required of the
- 11 members of the board of school trustees, including limitations on:
- 12 (A) residence; and
- 13 (B) term of office.
- 14 (6) If an existing school corporation is divided in the
- 15 reorganization, the disposition of assets and liabilities.
- 16 (7) The disposition of school aid bonds, if any.
- 17 (b) If existing school corporations are not divided in the
- 18 reorganization, the:
- 19 (1) assets;
- 20 (2) liabilities; and
- 21 (3) obligations;
- 22 of the existing school corporations shall be transferred to and assumed
- 23 by the new community school corporation of which they are a part,
- 24 regardless of whether the plan provides for transfer and assumption.
- 25 (c) The preliminary plan must be supported by a summary statement
- 26 of **the following**:
- 27 (1) The educational improvements the plan's adoption will make
- 28 possible.
- 29 (2) Data showing the:
- 30 (A) assessed valuation;
- 31 (B) number of resident students in ADA in grades 1 through
- 32 12;
- 33 (C) assessed valuation per student referred to in clause (B);
- 34 and
- 35 (D) property tax levies;
- 36 of each existing school corporation to which the plan applies.
- 37 (3) The:
- 38 (A) assessed valuation;
- 39 (B) resident ADA; and
- 40 (C) assessed valuation per student;
- 41 data referred to in subdivision (2)(A) through (2)(C) that would
- 42 have applied for each proposed community school corporation if

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the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee. ~~and~~

(4) Any other data or information the county committee considers appropriate or that may be required by the state board in its rules.

(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

(A) the year the preliminary plan is prepared; or

(B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident ADA figures on the calculation of the figures under the rules under which they are submitted to the state superintendent by existing school corporations; and

(3) shall set out the resident ADA figures for:

(A) the school year in progress if the figures are available for that year; or

(B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

(1) as near as reasonably possible by:

(A) streets;

(B) rivers; and

(C) other similar boundaries;

that are known by common names; or

(2) if descriptions as described in subdivision (1) are not possible, by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the

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services of the county surveyor in preparing a description of a boundary line.

(f) A member of the board of school trustees:

(1) may not serve ~~an appointive or elective~~ a term of more than four (4) years; and

(2) may serve more than one (1) consecutive ~~appointive or elective~~ term.

SECTION 45. IC 20-23-4-16, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. The form of a preliminary or final comprehensive plan of reorganization is sufficient if the plan contains in its own terms or by reference the following for each proposed community school corporation:

(1) The name of the proposed community school corporation.

(2) A general description of the boundaries of the community school corporation as provided in section 12 of this chapter.

(3) The number of members of the board of school trustees. ~~and whether the members are elected or appointed.~~

(4) The manner in which the board of school trustees, other than the interim board, is elected. ~~or appointed.~~

(5) If a school corporation is divided as part of the reorganization, the disposition of assets and liabilities of the school corporation.

(6) The statement required by section 12 of this chapter if that statement is submitted or adopted with the plan.

SECTION 46. IC 20-23-4-19, AS AMENDED BY P.L.2-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) If the creation of a community school corporation out of an existing corporation:

(1) would not involve a change in its territorial boundaries or in its board of school trustees or other governing body, other than a change in ~~the time of election or appointment~~ or the time the board members take office; and

(2) is consistent with the standards set up under this chapter and the standards set out in this section;

the state board may on its own motion or on petition of the governing body of the existing school corporation at any time with hearing in the county where the school corporation is located, after notice by publication at least once in one (1) newspaper of general circulation published in the county where the school corporation is located, at least ten (10) but not more than thirty (30) days before the date of a hearing, and without action of the county committee declare the existing school corporation to be a community school corporation by adopting a

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1 resolution to this effect. The existing school corporation qualifies as to
 2 size and financial resources if it has an ADA of at least two hundred
 3 seventy (270) students in grades 9 through 12 or at least one thousand
 4 (1,000) students in grades 1 through 12, and has an assessed valuation
 5 per student of at least five thousand dollars (\$5,000).

6 (b) For purposes of this section, the following terms have the
 7 following meanings:

8 (1) "County tax" means a property tax:

9 (A) that is levied at an equal rate in the entire county in which
 10 any school corporation is located, other than a tax qualifying
 11 as a countywide tax within the meaning of Acts 1959, c.328,
 12 s.2, or any similar statute; and

13 (B) for which the net proceeds of which are distributed to
 14 school corporations in the county.

15 (2) "Assessed valuation" of any school corporation means the net
 16 assessed value of its real and personal property as of March 1,
 17 1964, adjusted in the same manner as the assessed valuation is
 18 adjusted for each county by the department of local government
 19 finance under Acts 1949, c.247, s.5, as amended, unless that
 20 statute has been repealed or no longer provides for an adjustment.
 21 If a county has a county tax, the assessed valuation of each school
 22 corporation in the county shall be increased by the amount of
 23 assessed valuation, if any, that would be required to raise an
 24 amount of money, equal to the excess of the amount distributed
 25 to any school corporation from the county tax over the amount
 26 collected from the county tax in the school corporation, using
 27 total taxes levied by the school corporation in terms of rate:

28 (A) excluding the countywide tax under Acts 1959, c.328, s.2,
 29 or any similar statute; and

30 (B) including all other taxes levied by or for the school
 31 corporation.

32 The increased valuation shall be based on the excess distributed
 33 to the school corporation from the county tax levied for the year
 34 1964 and the total taxes levied for the year, or if the county tax is
 35 first applied or is raised for years after 1964, then the excess
 36 distributions and total taxes levied for the year in which the tax is
 37 first applied or raised. If the excess distribution and total taxes
 38 levied cannot be determined accurately on or before the adoption
 39 of the resolution provided in this section, excess distribution and
 40 taxes levied shall be estimated by the department of local
 41 government finance using the last preceding assessed valuations
 42 and tax rates or such other information as that department

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determines, certifying the increased assessment to the state board before such time. In all cases, the excess distribution shall be determined upon the assumption that the county tax is one hundred percent (100%) collected and all collections are distributed.

(3) "Assessed valuation per student" of any school corporation means the assessed valuation of any school corporation divided by its ADA in grades 1 through 12.

(4) "ADA" in any school corporation means the average daily attendance of students who are residents in the school corporation and in the particular grades to which the term refers for the school year 1964-1965 in accordance with the applicable regulations of the state superintendent, used in determining average daily attendance in the distribution of the tuition funds by the state to its various school corporations where funds are distributed on such basis and irrespective of whether the figures are the actual resident daily attendance of the school for the school year.

(c) The community school corporation automatically comes into being on either July 1 or January 1 following the date of approval, whichever is earlier. The state board shall mail by certified mail, return receipt requested, a copy of the resolution certified by the county committee's chairperson or secretary to:

(1) the recorder of the county from which the county committee having jurisdiction of the existing school corporation was appointed; and

(2) the county committee.

The resolution may change ~~the time of election or appointment of the board of trustees of the school corporation or the time the trustees take office.~~ The recorder shall without cost record the certified resolution in the miscellaneous records of the county. The recording constitutes a permanent record of the action of the state board and may be relied on by any person. Unless the resolution provides that an interim member of the board of trustees shall not be appointed, the board of trustees in office on the date of the action continues to constitute the board of trustees of the school corporation until their successors are qualified, and the terms of their respective office and board membership remain unchanged except to the extent the resolution otherwise provides. For purposes of this chapter and IC 20-23-16-1 through IC 20-23-16-11, a community school corporation shall be regarded as a school corporation created under section 16 of this chapter.

SECTION 47. IC 20-23-4-20, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 20. (a) After the state board approves a comprehensive plan or partial plan for reorganization of school corporations as submitted to the state board by a county committee, the state board shall promptly, by certified mail with return receipt requested, give written notice of the approval to:

(1) the chairperson of the county committee submitting the plan; and

(2) the judge of the circuit court of the county from which the county committee was appointed.

(b) After notice is given under subsection (a), a community school corporation proposed by a plan referred to in subsection (a) may be created:

(1) by petition as provided in this section;

(2) by election as provided in section 21 of this chapter; or

(3) under section 22 of this chapter.

(c) After receipt of the plan referred to in subsection (a) by the county committee and before or after the election described in section 21 of this chapter, a community school corporation proposed by a plan referred to in subsection (a) may be created by a petition. The petition must be signed by at least fifty-five percent (55%) of the registered voters residing in the community school corporation, determined in the manner set out in this section, and filed by any signer or by the county committee with the clerk or clerks of the circuit court or courts of the county or counties where the voters reside. The petition must state that the signers request the establishment of a community school corporation and must contain the following information:

(1) The name of the proposed community school corporation.

(2) A general description of the boundaries as set out in the plan.

(3) The number of members of the board of school trustees.

(4) The manner in which:

(A) the permanent board of school trustees **will be elected;** and

(B) if covered in the plan, the interim board of school trustees will be elected or appointed.

(5) The compensation, if any, of the members of:

(A) the permanent board of school trustees; and

(B) if covered in the plan, the interim board of school trustees.

(6) The disposition, if any, of assets and liabilities of each existing school corporation that:

(A) is included in the proposed community school corporation;

and

(B) has been divided.

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(7) The disposition of school aid bonds, if any.

(d) The petition referred to in subsection (c) must show:

(1) the date on which each person signed the petition; and

(2) the person's residence address on that date.

The petition may be executed in several counterparts, the total of which constitutes the petition described in this section. An affidavit of the person circulating a counterpart must be attached to the counterpart. The affidavit must state that each signature appearing on the counterpart was affixed in the person's presence and is the true and lawful signature of the signer. Each signer on the petition may withdraw the signer's signature from the petition before the petition is filed with the clerk of the circuit court. Names may not be added to the petition after the petition is filed with the clerk of the circuit court.

(e) After receipt of the petition referred to in subsection (c), the clerk of the circuit court shall make a certification under the clerk's hand and seal of the clerk's office as to:

(1) the number of signers of the petition;

(2) the number of signers of the petition who are registered voters residing in:

(A) the proposed community school corporation; or

(B) the part of the school corporation located in the clerk's county;

as disclosed by the voter registration records of the county;

(3) the number of registered voters residing in:

(A) the proposed community school corporation; or

(B) the part of the school corporation located in the clerk's county;

as disclosed by the voter registration records of the county; and

(4) the date of the filing of the petition with the clerk.

If a proposed community school corporation includes only part of a voting precinct, the clerk of the circuit court shall ascertain from any means, including assistance from the county committee, the number of registered voters residing in the part of the voting precinct.

(f) The clerk of the circuit court shall make the certification referred to in subsection (e):

(1) not later than thirty (30) days after the filing of the petition under subsection (c), excluding from the calculation of that period the time during which the registration records are unavailable to the clerk; or

(2) within any additional time as is reasonably necessary to permit the clerk to make the certification.

In certifying the number of registered voters, the clerk shall disregard

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any signature on the petition not made in the ninety (90) days that immediately precede the filing of the petition with the clerk as shown by the dates set out in the petition. The clerk shall establish a record of the certification in the clerk's office and shall return the certification to the county committee.

(g) If the certification or combined certifications received from the clerk or clerks disclose that the petition was signed by at least fifty-five percent (55%) of the registered voters residing in the community school corporation, the county committee shall publish a notice in two (2) newspapers of general circulation in the community school corporation. The notice must:

(1) state that the steps necessary for the creation and establishment of the community school corporation have been completed; and

(2) set forth:

(A) the number of registered voters residing in the community school corporation who signed the petition; and

(B) the number of registered voters residing in the community school corporation.

(h) A community school corporation created by a petition under this section takes effect on the earlier of:

(1) July 1; or

(2) January 1;

that next follows the date of publication of the notice referred to in subsection (g).

(i) If a public official fails to perform a duty required of the official under this chapter within the time prescribed in this section and sections 21 through 24 of this chapter, the omission does not invalidate the proceedings taken under this chapter.

(j) An action:

(1) to contest the validity of the formation or creation of a community school corporation under this section;

(2) to declare that a community school corporation:

(A) has not been validly formed or created; or

(B) is not validly existing; or

(3) to enjoin the operation of a community school corporation; may not be instituted later than thirty (30) days after the date of publication of the notice referred to in subsection (g).

SECTION 48. IC 20-23-4-27, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) Subsections (b) and (c) do not apply to a community school corporation created before March 12, 1965. A

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community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

(b) ~~If the members of a governing body are elected;~~ The members shall be elected in accordance with one (1) of the options set forth in subsection (c) or in accordance with section 35 of this chapter. The options must be set out in the plan with sufficient description to permit the plan to be operable with respect to the community school corporation. The description may be partly or wholly by reference to the applicable option.

(c) The options described in subsection (b) are the following:

(1) Members of a governing body:

(A) may reside anywhere in the school corporation; and

(B) shall be voted upon by all registered voters living within the school corporation voting at any governing body member election.

(2) The community school corporation shall be divided into two (2) or more residence districts with one (1) or more members of the governing body resident within each of the residence districts. The plan may also provide that one (1) or more members of the governing body may reside anywhere in the community school corporation. The plan:

(A) must set out the number of members to be elected from each district;

(B) may provide for the election of an equal number of members from each district; and

(C) must set out the number, if any, to be elected at large without reference to governing body member districts.

Under this option, all candidates must be voted on by all registered voters of the community school corporation voting at any governing body member election.

(3) The community school corporation shall be divided into three (3) residence districts of approximately equal population. In a district divided into three (3) residence districts, if:

(A) the governing body consists of three (3) members, one (1) member must reside in each residence district;

(B) the governing body consists of five (5) members, two (2) members may not reside in any one (1) residence district; and

(C) the governing body consists of seven (7) members, at least two (2) shall be elected from each residence district.

Candidates shall be voted on by all registered voters of the

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community school corporation voting at any governing body member election.

(4) The community school corporation shall be divided into two (2) or more electoral districts. Each member:

(A) serves from one (1) electoral district;

(B) must be a resident of the district; and

(C) must be voted upon by the registered voters residing within the electoral district and voting at any governing body member election.

The plan must set out the number to be elected from each electoral district and may provide for election of an equal number of members from each district. The plan must provide that not less than one (1) less than a majority of the governing body may reside anywhere in the community school corporation and must be voted upon by all its registered voters voting at any governing body member election.

(5) The community school corporation consists of one (1) electoral district that must embrace the entire community school corporation from which a majority of the members of the governing body shall be elected by all the registered voters of the community school corporation voting at a governing body member election. The other electoral districts must be subdivisions of the community school corporation. Each of the remaining members of the governing body:

(A) serves from one (1) of the latter electoral districts;

(B) must be a resident of that district; and

(C) must be voted upon by registered voters voting at a governing body member election.

The plan must set out the number to be elected from each district and may provide for the election of an equal number of members from the district.

(6) The community school corporation shall be divided into two (2) or more electoral districts. Each member:

(A) serves from one (1) electoral district;

(B) must be a resident of that district; and

(C) must be voted upon only by the registered voters residing within that district who vote at a governing body election.

The plan must set out the number of members to be elected from each electoral district in the school corporation and may provide for election of an equal number of members from each district.

SECTION 49. IC 20-23-4-29.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE UPON PASSAGE]: Sec. 29.1. (a) This section applies
2 to each school corporation.

3 (b) The members of the governing body shall be elected at a
4 general election. Each candidate must file a petition of nomination
5 in accordance with IC 3-8-2.5 that is signed by the candidate and
6 by ten (10) registered voters residing within the boundaries of the
7 community school corporation. The filing must be made within the
8 time specified by IC 3-8-2.5-4.

9 (c) All nominations shall be listed for each office in the form
10 prescribed by IC 3-11-2, but without party designation. Voting and
11 tabulation of votes shall be conducted in the same manner as voting
12 and tabulation in general elections are conducted. The precinct
13 election boards serving in each county shall conduct the election
14 for members of the governing body. If a school corporation is
15 located in more than one (1) county, each county election board
16 shall print the ballots required for voters in that county to vote for
17 candidates for members of the governing body.

18 (d) If the plan provides that the members of the governing body
19 shall be elected by all the voters of the community school
20 corporation, candidates shall be placed on the ballot in the form
21 prescribed by IC 3-11-2, without party designation. The candidates
22 who receive the most votes are elected.

23 (e) If the plan provides that members of the governing body are
24 to be elected from residence districts by all voters in the
25 community school corporation, nominees for the governing body
26 shall be placed on the ballot in the form prescribed by IC 3-11-2,
27 by residence districts without party designation. The ballot must
28 state the number of members to be voted on and the maximum
29 number of members that may be elected from each residence
30 district as provided in the plan. A ballot is not valid if more than
31 the maximum number of members are voted on from a board
32 member residence district. The candidates who receive the most
33 votes are elected. However, if more than the maximum number
34 that may be elected from a residence district are among those
35 receiving the most votes, the candidates from the residence districts
36 exceeding the maximum number who receive the fewest votes shall
37 be eliminated in determining the candidates who are elected.

38 (f) If the plan provides that members of the governing body are
39 to be elected from electoral districts solely by the voters of each
40 district, nominees residing in each electoral district shall be placed
41 on the ballot in the form prescribed by IC 3-11-2, without party
42 designation. The ballot must state the number of members to be

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1 **voted on from the electoral district. The candidates residing in the**
 2 **electoral district who receive the most votes are elected.**

3 SECTION 50. IC 20-23-4-30, AS ADDED BY P.L.230-2005,
 4 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 30. (a) This section applies to each school
 6 corporation.

7 ~~(b) If the governing body is to be elected at the primary election;~~
 8 ~~each registered voter may vote in the governing body election without~~
 9 ~~otherwise voting in the primary election.~~

10 ~~(c) If a tie vote occurs among any of the candidates, the tie vote~~
 11 ~~shall be resolved under IC 3-12-9-4.~~

12 ~~(d) (b) If after the first governing body takes office, there is a~~
 13 ~~vacancy on the governing body for any reason, including the failure of~~
 14 ~~the sufficient number of petitions for candidates being filed, whether~~
 15 ~~the vacating member was elected or appointed; the remaining members~~
 16 ~~of the governing body, whether or not a majority of the governing body,~~
 17 ~~shall by a majority vote fill the vacancy by appointing a person from~~
 18 ~~within the boundaries of the community school corporation to serve for~~
 19 ~~the term or balance of the term. An individual appointed under this~~
 20 ~~subsection must possess the qualifications provided for a regularly~~
 21 ~~elected or appointed governing body member. filling the office. If:~~

22 (1) a tie vote occurs among the members of the governing body
 23 under this subsection or IC 3-12-9-4; or

24 (2) the governing body fails to act within thirty (30) days after any
 25 vacancy occurs;

26 the judge of the circuit court in the county where the majority of
 27 registered voters of the school corporation reside shall make the
 28 appointment.

29 ~~(c) (c) A vacancy in the governing body occurs if a member ceases~~
 30 ~~to be a resident of any community school corporation. A vacancy does~~
 31 ~~not occur when the member moves from a district of the school~~
 32 ~~corporation from which the member was elected or appointed~~
 33 **represents** if the member continues to be a resident of the school
 34 corporation.

35 ~~(f) (d) At the first primary or general election in which members of~~
 36 ~~the governing body are elected:~~

37 (1) a simple majority of the candidates elected as members of the
 38 governing body who receive the **highest greatest** number of votes
 39 shall be elected for four (4) year terms; and

40 (2) the balance of the candidates elected as members of the
 41 governing body receiving the next **highest greatest** number of
 42 votes shall be elected for two (2) year terms.

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Thereafter, all school board members shall be elected for four (4) year terms.

(g) ~~Governing body members elected:~~

(1) ~~in November take office and assume their duties on January 1 or July 1 after their election, as determined by the board of school trustees before the election; and~~

(2) ~~in May take office and assume their duties on July 1 after their election.~~

SECTION 51. IC 20-23-4-31, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) This section applies to each school corporation.

(b) ~~If the plan provides for the election of members of the governing body of the community school corporation:~~

(1) ~~The judge of the circuit court or,~~

(2) ~~in the case of a united school corporation, the judge of the circuit court of the county having the most students enrolled in the united school corporation~~

shall appoint interim governing body members in accordance with the plan approved by the county committee and the state board.

(c) The members of the governing body appointed serve until their successors are elected and qualified.

(d) Instead of appointment, the plan may provide for an alternative method of appointing the members of the interim governing body of a community or united school corporation. The appointment under this subsection must be made by one (1) or more of the ~~class of officials listed in section 28(e) of this chapter:~~ **following:**

(1) The judge of the circuit or superior court.

(2) The city executive.

(3) The legislative body of a city.

(4) The board of commissioners of a county.

(5) The county fiscal body.

(6) The town legislative body.

(7) The township executive.

(8) The township legislative body.

(9) A township executive and legislative body jointly.

(10) More than one (1) township executive and legislative body jointly.

SECTION 52. IC 20-23-5-11, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Within sixty (60) days after the annexation takes place, the governing body of the acquiring school

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corporation and losing school corporation shall adopt a plan determining the manner in which the governing body shall be constituted. The plan shall be adopted in accordance with the requirements and procedures of IC 20-23-8, except as set out in subsection (b).

(b) The adoption of a plan by the governing body in accordance with IC 20-23-8-10 and its submission to the state board under IC 20-23-8-15 are the only procedures required when an existing plan is changed as follows:

(1) All governing body members are elected at large, and there are no governing body member residency districts.

(2) Governing body members are elected from governing body member residency districts, and the annexed territory is added to or deleted from one (1) or more districts.

~~(3) A governing body member is appointed from a given area or district, and the annexed territory is added to or deleted from one (1) or more districts or areas.~~

~~(4)~~ (3) A governing body member is elected solely by the voters in a school governing body member district, but the addition or deletion of the annexed territory to or from an existing district does not constitute a denial of equal protection of the laws.

If a school corporation elects ~~or appoints~~ members of its governing body both from a school governing body member district encompassing the entire school corporation and from smaller districts, the governing body of the acquiring school corporation shall add the annexed territory both to the district consisting of the entire school corporation and to one (1) or more smaller districts. In a comparable situation, the losing school corporation shall delete the annexed territory both from the district consisting of the entire school corporation and from any smaller district or districts. The change in the plan becomes effective upon its approval by the state board. The application of this subsection does not limit the initiation of, or further changes in, any plan under IC 20-23-8.

SECTION 53. IC 20-23-6-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) If the governing bodies of at least two (2) school corporations desire to consolidate school corporations, the governing bodies may meet together and adopt a joint resolution declaring intention to consolidate school corporations. The resolution must set out the following information concerning the proposed consolidation:

(1) The name of the proposed new school corporation.

(2) The number of members on the governing body and the

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manner in which they shall be elected. ~~or appointed.~~

(A) ~~If members are to be elected, the resolution must provide for:~~

(i) ~~the manner of the nomination of members;~~

(ii) ~~who shall constitute the board of election commissioners;~~

(iii) ~~who shall appoint inspectors, judges, clerks, and sheriffs; and~~

(iv) ~~any other provisions desirable in facilitating the election.~~

(B) ~~Where applicable and not in conflict with the resolution, the election is governed by the general election laws of Indiana, including the registration laws.~~

(3) ~~Limitations on residences, term of office, and other qualifications required of the members of the governing body. A resolution may not provide for an appointive or elective a term of more than four (4) years. A member may succeed himself or herself in be reelected to successive terms of office.~~

(4) ~~Names of present school corporations that are to be merged together as a consolidated school corporation.~~

In addition, the resolution may specify the time when the consolidated school corporation comes into existence.

(b) The number of members on the governing body as provided in the resolution may not be less than three (3) or more than seven (7). However, the joint resolution may provide for a board of nine (9) members if the proposed consolidated school corporation is formed out of two (2) or more school corporations that:

(1) have entered into an interlocal agreement to construct and operate a joint high school; or

(2) are operating a joint high school that has an enrollment of at least six hundred (600) in grades 9 through 12 at the time the joint resolution is adopted.

(c) The members of the governing body shall, after adopting a joint resolution, give notice by publication once each week for two (2) consecutive weeks in a newspaper of general circulation, if any, in each of the school corporations. If a newspaper is not published in the school corporation, publication shall be made in the nearest newspaper published in the county in which the school corporation is located. The governing bodies of school corporations shall meet one (1) week following the date of the appearance of the last publication of notice of intention to consolidate. If a protest has not been filed, as provided in this chapter, the governing bodies shall declare by joint resolution the

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consolidation of the school corporations to be accomplished, to take effect as provided in section 8 of this chapter. However, on or before the sixth day following the last publication of the notice of intention to consolidate, twenty percent (20%) of the legal voters residing in any school corporation may petition the governing body of the school corporations for an election to determine whether or not the majority of the voters of the school corporation is in favor of consolidation.

SECTION 54. IC 20-23-6-6, AS AMENDED BY P.L.2-2006, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) On the day and hour named in the notice filed under section 5 of this chapter, polls shall be opened and the votes of the registered voters shall be taken upon the public question of consolidating school corporations. The election shall be governed by IC 3, except as provided in this chapter.

(b) The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall (here insert the names of the school corporations that the resolution proposes to consolidate) be consolidated into a consolidated school corporation?".

(c) A brief statement of the provisions in the resolution for ~~appointment or~~ election of a governing body may be placed on the ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes cast for and against the consolidation of the school corporations shall be filed with:

- (1) the governing body of the school corporations subject to the election;
 - (2) the state superintendent; and
 - (3) the county recorder of each county in which a consolidated school corporation is located;
- together with a copy of the resolution.

(d) If a majority of the votes cast at each of the elections is in favor of the consolidation of two (2) or more school corporations, the trustees of the school corporations shall proceed to consolidate the schools and provide the necessary buildings and equipment. In any school corporation where a petition was not filed and an election was not held, the failure on the part of the voters to file a petition for an election shall be considered to give the consent of the voters of the school corporation to the consolidation as set out in the resolution.

(e) If the special election is not conducted at a primary or general election, the expense of the election shall be borne by the school corporation or each of the school corporations subject to the election and shall be paid out of the school general fund.

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SECTION 55. IC 20-23-6-8, AS AMENDED BY P.L.2-2006, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Consolidated schools are under the control and management of the consolidated governing body created under this chapter, and a new consolidated school corporation comes into existence:

(1) at the time specified in the resolutions provided in section 3 or 4 of this chapter; or

(2) if a time is not specified, at the following times:

(A) If a protest has not been filed and the creation is accomplished by the adoption of a joint resolution following publication of notice as provided in section 3 of this chapter, thirty (30) days after the adoption of the joint resolution.

(B) If the creation is accomplished after an election as provided in section 6 of this chapter, thirty (30) days after the election.

(b) The members of the governing body shall:

(1) take an oath to faithfully discharge the duties of office; and

(2) meet at least five (5) days before the time the new consolidated school corporation comes into existence to organize.

(c) The governing body shall meet to reorganize on August 1 of each year and at any time the personnel of the board is changed. At the organization or reorganization meeting, the members of the governing body shall elect the following:

(1) A president.

(2) A secretary.

(3) A treasurer.

(d) The treasurer, before starting the duties of the treasurer's office, shall execute a bond to the acceptance of the county auditor. The fee for the bond shall be paid from the school general fund of the consolidated school corporation. Any vacancy occurring in the membership in any governing body, other than vacancy in the office of an ex officio member, shall be filled in the following manner:

~~(1) If the membership was originally made by appointment, the vacancy shall be filled by appointment by the legislative body of the:~~

~~(A) city;~~

~~(B) town;~~

~~(C) township; or~~

~~(D) other body;~~

~~or other official making the original appointment.~~

~~(2) If the membership was elected, the vacancy shall be filled by~~

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a majority vote of the remaining members of the governing body of the consolidated school corporation.

(e) The members of the governing body, other than the township executive or ex officio member, shall receive compensation for services as fixed by resolution of the governing body. The members, other than the township executive or any ex officio member, may not receive more than two hundred dollars (\$200) annually. Any:

(1) township executive; or

(2) ex officio member of the governing body;

shall serve without additional compensation.

(f) The governing body of a consolidated school corporation may elect and appoint personnel it considers necessary.

SECTION 56. IC 20-23-6-9, AS AMENDED BY P.L.113-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) When any:

(1) school town;

(2) school city;

(3) school township;

(4) joint school; or

(5) consolidated school;

has become consolidated by resolution or election and the new governing body has been ~~appointed and~~ legally organized, the former school township, school town, school city, joint school, or consolidated school is considered abandoned.

(b) All school:

(1) property;

(2) rights;

(3) privileges; and

(4) any indebtedness;

from the abandoned school is considered to accrue to and be assumed by the new consolidated school corporation.

(c) The title of property shall pass to and become vested in the new consolidated school corporation. All debts of the former school corporations shall be assumed and paid by the new consolidated school corporation. All the privileges and rights conferred by law upon the former:

(1) school town;

(2) school city;

(3) school township;

(4) joint school; or

(5) consolidated school;

are granted to the newly consolidated school corporation.

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(d) This subsection applies when the consolidated governing body of a consolidated school corporation decides that property acquired under subsection (b) from a township is no longer needed for school purposes. The governing body shall offer the property as a gift for park and recreation purposes to the township that owned the property before the school was consolidated. If the township board accepts the offer, the governing body shall give the township a quitclaim deed to the property. The deed must state that the township is required to use the property for park and recreation purposes. If the township board refuses the offer, the governing body may sell the property in the manner provided in subsection (e).

(e) This subsection provides the procedure for the sale of school property that is no longer needed for school purposes by the governing body of a consolidated school corporation. The governing body shall cause the property to be appraised at a fair cash value by:

(1) one (1) disinterested resident freeholder of the school corporation offering the property for sale; and

(2) two (2) disinterested appraisers licensed under IC 25-34.1; who are residents of Indiana. One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the property. The appraisals shall be made under oath and spread of record upon the records of the governing body. A sale may not be made for less than the appraised value, and the sale must be made for cash. The sale shall take place after the governing body gives notice under IC 5-3-1 of the terms, date, time, and place of sale.

(f) Proceeds from a sale under subsection (e) shall be placed in a capital projects fund of the consolidated school corporation or other fund designated as the fund that is available for capital outlay of the school corporation.

SECTION 57. IC 20-23-7-6, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The first metropolitan board of education shall be composed of the:

(1) trustees; and

(2) members of school boards; of the school corporations forming the metropolitan board of education.

(b) The members of the metropolitan board of education shall serve ex officio as members subject to the laws concerning length of terms, powers of election, or appointment and filling vacancies applicable to their respective offices.

(c) If a metropolitan school district is comprised of only two (2) board members, the two (2) members shall appoint a third board

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1 member not more than ten (10) days after the creation of the
 2 metropolitan school district. If the two (2) members are unable to agree
 3 on or do not make the appointment of a third board member within the
 4 ten (10) day period after the creation of the metropolitan school district,
 5 the third member shall be appointed not more than twenty (20) days
 6 after the creation of the metropolitan school district by the judge of the
 7 circuit court of the county in which the metropolitan school district is
 8 located. If the metropolitan school district is located in two (2) or more
 9 counties, the judge of the circuit court of the county containing that part
 10 of the metropolitan school district having more students than the part
 11 or parts located in another county or counties shall appoint the third
 12 member. The members of the metropolitan board of education serve
 13 until their successors are elected or appointed and qualified.

14 (d) The first meeting of the first metropolitan board of education
 15 shall be held not more than one (1) month after the creation of the
 16 metropolitan school district. The first meeting shall be called by the
 17 superintendent of schools, or township trustee of a school township, of
 18 the school corporation in the district having the largest number of
 19 students. At the first meeting, the board shall organize, and **each year**
 20 **during the first ten (10) days of each July after the board members**
 21 **who are elected or appointed to a new term take office,** the board
 22 shall reorganize, by electing a president, a vice president, a secretary,
 23 and a treasurer.

24 (e) The secretary of the board shall keep an accurate record of the
 25 minutes of the metropolitan board of education, and the minutes shall
 26 be kept in the superintendent's office. When a metropolitan school
 27 district is formed, the metropolitan superintendent shall act as
 28 administrator of the board and shall carry out the acts and duties as
 29 designated by the board. A quorum consists of a majority of the
 30 members of the board. A quorum is required for the transaction of
 31 business. The vote of a majority of those present is required for a:

- 32 (1) motion;
- 33 (2) ordinance; or
- 34 (3) resolution;

35 to pass.

36 (f) The board shall conduct its affairs in the manner described in this
 37 section. Except in unusual cases, the board shall hold its meetings at
 38 the office of the metropolitan superintendent or at a place mutually
 39 designated by the board and the superintendent. Board records are to
 40 be maintained and board business is to be conducted from the office of
 41 the metropolitan superintendent or a place designated by the board and
 42 the superintendent.

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(g) The metropolitan board of education shall have the power to pay to a member of the board:

(1) a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars (\$125) per year; and

(2) for travel to and from a member's home to the place of the meeting within the district, a sum for mileage equal to the amount per mile paid to state officers and employees. The rate per mile shall change when the state government changes its rate per mile.

SECTION 58. IC 20-23-7-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held later than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.**

(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.

(c) Nominees for the board shall be listed on the general election ballot:

(1) in the form prescribed by IC 3-11-2;

(2) by board member districts; and

(3) without party designation.

The ballot must state the number of board members to be voted on and the maximum number of members that may be elected from each board member district as provided under section 5 of this chapter. A ballot that contains more votes than the maximum number allowed from a board member district is invalid.

(d) The precinct election boards in each county serving at the general election shall conduct the election for school board members.

(e) Voting and tabulation of votes shall be conducted in accordance with IC 3, and the candidates who receive the most votes are elected to the board.

(f) If there are more candidates from a particular board member district than may be elected from the board member district under section 5 of this chapter:

(1) the number of candidates elected is the greatest number

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that may be elected from the board member district;

(2) the candidates elected are those who, among the candidates from the board member district, receive the most votes; and

(3) the other candidates from the board member district are eliminated.

(g) If there is a tie vote among the candidates for the board, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

(h) If, at any time after the first board member election, a vacancy on the board occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the board, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

(1) appointing a person from the board member district from which the person who vacated the board was elected; or

(2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district resides shall make the appointment.

(i) At a general election held on the earlier of:

(1) more than sixty (60) days after an elected board member vacates membership on the board; or

(2) immediately before the end of the term for which the vacating member was elected;

a successor to a board member appointed under subsection (h) shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a successor board member to fill a vacancy for a two (2) year balance of a term, candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected

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1 candidate who receives the fewest votes at the election at which the
2 successor is elected shall serve for a two (2) year term.

3 (j) At the first general election where members of the board are
4 elected under this section, the elected candidates who constitute a
5 simple majority of the elected candidates and who receive the most
6 votes shall be elected for four (4) year terms, and the other elected
7 candidates shall be elected for two (2) year terms.

8 (k) Board members shall be elected for four (4) year terms after
9 the first election and shall take office January 1 following the
10 election.

11 SECTION 59. IC 20-23-7-12, AS AMENDED BY P.L.1-2007,
12 SECTION 143, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) As used in this section,
14 "county" means the county in which the school township is located.

15 (b) As used in this section, "school township" means a school
16 township in Indiana that:

17 (1) for the last full school semester immediately preceding:

18 (A) the adoption of a preliminary resolution by the township
19 trustee and the township board under subsection (f); or

20 (B) the adoption of a resolution of disapproval by the township
21 trustee and the township board under subsection (g);

22 had an ADM of at least six hundred (600) students in
23 kindergarten through grade 12 in the public schools of the school
24 township; or

25 (2) is part of a township in which there were more votes cast for
26 township trustee outside the school township than inside the
27 school township in the general election at which the trustee was
28 elected and that preceded the adoption of the preliminary or
29 disapproving resolution.

30 (c) As used in this section, "township board" means the township
31 board of a township in which the school township is located.

32 (d) As used in this section, "township trustee" means the township
33 trustee of the township in which the school township is located.

34 (e) In a school township, a metropolitan school district may be
35 created by complying with this section. A metropolitan school district
36 created under this section shall have the same boundaries as the school
37 township. After a district has been created under this section, the
38 school township that preceded the metropolitan school district is
39 abolished. The procedures or provisions governing the creation of a
40 metropolitan school district under another section of this chapter do not
41 apply to the creation of a district under this section. After a
42 metropolitan school district is created under this section, the district

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shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At the meeting, the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

(A) by two (2) publications one (1) week apart in a newspaper of general circulation published in the school township; or

(B) if there is no newspaper as described in clause (A), in a newspaper of general circulation in the county;

of the adoption of the resolution setting forth the text of the resolution.

(2) On the thirtieth day after the date of the last publication of the notice under subdivision (1) and if a protest has not been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day after the date of the last publication of the notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal

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1 to five percent (5%) or more of the votes cast in the school
 2 township for secretary of state at the last general election for that
 3 office, shall sign and file with the township trustee a petition
 4 requesting the creation of a metropolitan school district under this
 5 section.

6 (2) The township trustee and a majority of the township board
 7 shall, not more than ten (10) days after the filing of a petition:

8 (A) adopt a preliminary resolution that a metropolitan school
 9 district shall be created in the school township and proceed as
 10 provided in subsection (f); or

11 (B) adopt a resolution disapproving the creation of the district.

12 (3) If either the township trustee or a majority of township board
 13 members vote in favor of disapproving the resolution, an election
 14 must be held to determine whether or not a metropolitan school
 15 district shall be created in the school township in the same
 16 manner as is provided in subsection (f) if an election is requested
 17 by petition.

18 (h) An election required under subsection (f) or (g) may, at the
 19 option of the township trustee, be held either as a special election or in
 20 conjunction with a primary or general election to be held not more than
 21 one hundred twenty (120) days after the filing of a petition under
 22 subsection (f) or the adoption of the disapproving resolution under
 23 subsection (g). The township trustee shall certify the question to the
 24 county election board under IC 3-10-9-3 and give notice of an election:

25 (1) by two (2) publications one (1) week apart in a newspaper of
 26 general circulation in the school township; or

27 (2) if a newspaper described in subdivision (1) does not exist, in
 28 a newspaper of general circulation published in the county.

29 The notice must provide that on a day and time named in the notice, the
 30 polls shall be opened at the usual voting places in the various precincts
 31 in the school township for the purpose of taking the vote of the
 32 registered voters of the school township regarding whether a
 33 metropolitan school district shall be created in the township. The
 34 election shall be held not less than twenty (20) days and not more than
 35 thirty (30) days after the last publication of the notice unless a primary
 36 or general election will be conducted not more than six (6) months after
 37 the publication. In that case, the county election board shall place the
 38 public question on the ballot at the primary or general election. If the
 39 election is to be a special election, the township trustee shall give
 40 notice not more than thirty (30) days after the filing of the petition or
 41 the adoption of the disapproving resolution.

42 (i) On the day and time named in the notice, the polls shall be

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opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the _____ School Township of _____ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the special election is not conducted at a primary or general election, the school township shall pay the expense of holding the election out of the school general fund that is appropriated for this purpose.

(k) A metropolitan school district shall, subject to section 7 of this chapter, be created on the thirtieth day after the date of the adoption of the confirming resolution under subsection (f) or an election held under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of

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education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and 8 **8.1** of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until ~~July~~ **January 1** following the election of a metropolitan school board at the first ~~primary~~ **general** election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

SECTION 60. IC 20-23-8-4, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "plan" means the manner in which the governing body of a school corporation is constituted, including the number, qualifications, length of terms, **and** manner ~~and time of selection either by appointment or by~~ election of the members of the governing body.

SECTION 61. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A plan or proposed plan must contain the following items:

(1) The number of members of the governing body, which shall be:

(A) three (3);

(B) five (5); or

(C) seven (7);

members.

~~(2) Whether the governing board shall be elected or appointed:~~

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(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.

(4) If elected, whether the election shall be at the primary or at the general election that county officials are nominated or elected; and (2) A general description of the manner of election that conforms with the requirements of IC 20-23-4-27 and IC 20-23-11.9.

(5) (3) The limitations on:

(A) residence;

(B) term of office; and

(C) other qualifications;

required by members of the governing body.

(6) (4) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

SECTION 62. IC 20-23-8-8, AS AMENDED BY P.L.2-2006, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A plan is subject to the following limitations:

(1) A member of the governing body may not serve for a term of more than four (4) years, but a member may ~~succeed himself or herself in~~ **be reelected to successive terms of** office. This limitation does not apply to members who hold over during an interim period to effect a new plan awaiting the selection and qualification of a member under the new plan.

(2) The plan ~~if the members are:~~

~~(A) to be elected;~~ shall conform with one (1) of the types of board organization permitted by IC 20-23-4-27. ~~or~~

~~(B) appointed; shall conform with one (1) of the types permitted by IC 20-23-4-28.~~

(3) The terms of the members of the governing body, either elected to or taking office on or before the time the plan takes effect, may not be shortened. The terms of the members taking office under the plan may be shortened to make the plan workable on a permanent basis.

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(4) If the plan provides for electoral districts, where a member of the governing body is elected solely by the voters of a single district, the districts must be as near as practicable equal in population. The districts shall be reapportioned and their boundaries changed, if necessary, by resolution of the governing body before the election next following the effective date of the subsequent decennial census to preserve the equality by resolution of the governing body.

(5) The plan shall comply with the:

(A) Constitution of the State of Indiana; and

(B) Constitution of the United States;

including the equal protection clauses of both constitutions.

(6) The provisions of IC 20-23-4-26 through IC 20-23-4-33 **and IC 20-23-11.9** relating to the board of trustees of a community school corporation and to the community school corporation, including provisions relating to powers of the board and corporation and provisions relating to the mechanics of ~~selection~~ **election** of the board, ~~where elected and where appointed~~, apply to a governing body set up by a plan under this chapter and to the school corporation.

(b) The limitations set forth in this section do not have to be specifically set forth in a plan but are a part of the plan. A plan shall be construed, if possible, to comply with this chapter. If a provision of the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The provisions of a plan are severable.

SECTION 63. IC 20-23-8-13, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This section applies to a school corporation located in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(b) The city legislative body may adopt an ordinance to increase the membership of the governing body of a school corporation to seven (7) members.

(c) The ordinance must provide the following:

(1) The **initial** additional members of the governing body are to be appointed by the city executive.

(2) ~~If the plan is subsequently changed to provide for the election of governing body members:~~

(A) ~~the membership of the governing body may not be less than seven (7); and~~

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~~(B)~~ (2) After appointment of the initial additional members,

all the members of the governing body are to be elected.

(3) The initial terms of the members appointed under this section.

(4) The effective date of the ordinance.

(d) An ordinance adopted under this section:

(1) supersedes a part of the plan that conflicts with the ordinance;

(2) must be filed with the state superintendent under section 22 of this chapter; and

(3) may only be amended or repealed by the city legislative body.

SECTION 64. IC 20-23-8-21, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if **either of the following applies**:

~~(1) the plan only changes the time of voting for board members from the primary to the general election or from the general to the primary election;~~

~~(2) (1)~~ A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court that no appeal or further approval can be taken. ~~or~~

~~(3) (2)~~ The plan provides solely for changes in items specified in section 7(a)(5) of this chapter.

SECTION 65. IC 20-23-10-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The board members of a merged school corporation shall be elected at the first **primary general** election following the merged school corporation's creation, and vacancies shall be filled in accordance with IC 20-23-4-30.

(b) Until the first election under subsection (a), the board of trustees of the merged school corporation consists of:

(1) the members of the governing body of a school corporation in the county other than a school township; and

(2) the township trustee of a school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. The name may be changed by unanimous vote of the governing body of the merged school corporation.

SECTION 66. IC 20-23-11.9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11.9. Election of Governing Body Members

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1 **Sec. 1. (a) Except as provided in subsection (b), this chapter**
 2 **applies to each school corporation.**

3 **(b) This chapter does not apply to a school corporation to which**
 4 **any of the following applies:**

5 **(1) IC 20-23-12.**

6 **(2) IC 20-23-14.**

7 **(3) IC 20-23-15.**

8 **(4) IC 20-25.**

9 **Sec. 2. The nomination of a candidate for election as a member**
 10 **of the governing body must be made by a petition of nomination**
 11 **signed by the candidate and ten (10) registered voters residing**
 12 **within the boundaries of the school corporation.**

13 **Sec. 3. The filing of a petition of nomination under section 2 of**
 14 **this chapter must comply with IC 3-8-2.5.**

15 **Sec. 4. (a) A petition of nomination under section 2 of this**
 16 **chapter must be filed with the circuit court clerk of the county that**
 17 **contains the greatest percentage of the population of the school**
 18 **corporation. If the plan requires residence in a specified district or**
 19 **voting solely in a specified district for a governing body member**
 20 **office, the petition of nomination must clearly state the residence**
 21 **or electoral district for which the individual is a candidate.**

22 **(b) If a school corporation is located in more than one (1)**
 23 **county, the circuit court clerk shall, after determining that a**
 24 **petition of nomination complies with subsection (a), promptly**
 25 **certify to each circuit court clerk of a county in which the school**
 26 **corporation is located the names of the candidates to be placed on**
 27 **the ballot.**

28 **Sec. 5. (a) If a school corporation's plan provides that the**
 29 **members of the governing body are to be elected by all the voters**
 30 **of the school corporation, the names of candidates shall be placed**
 31 **on the ballot in the form prescribed by IC 3-11 without party**
 32 **designation.**

33 **(b) Those candidates receiving the greatest number of votes are**
 34 **elected.**

35 **Sec. 6. (a) If a school corporation's plan provides that members**
 36 **of the governing body are to be elected from residence districts by**
 37 **all voters in the school corporation, the names of candidates shall**
 38 **be placed on the ballot in the form prescribed by IC 3-11, by**
 39 **residence districts, and without party designation.**

40 **(b) The ballot must state the:**

41 **(1) number of members to be voted upon; and**

42 **(2) maximum number that may be elected from each**

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residence district as provided in the plan.

(c) A ballot is not valid if a voter votes for more than the maximum number of members that is stated under subsection (b)(2).

(d) Candidates receiving the greatest number of votes under this section are elected. However, if more than the maximum number of candidates that may be elected from a residence district are among those receiving the greatest number of votes, the candidates who:

(1) are in excess of the maximum number of candidates that may be elected from the residence district; and

(2) receive the lowest number of votes;

shall be eliminated in determining the candidates who are elected.

Sec. 7. (a) If a school corporation's plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, the names of candidates residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-11 without party designation.

(b) The ballot must state the number to be voted on from the electoral district.

(c) Candidates residing in the electoral district who receive the greatest number of votes under this section are elected.

Sec. 8. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the governing body.

Sec. 9. (a) This section applies to a school corporation located in a county having a consolidated city.

(b) The same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the school board offices on the election ballot.

Sec. 10. Voting and tabulation of votes in an election under this chapter shall be conducted in the same manner as voting and tabulation in a general election are conducted. The precinct election boards serving at the general election in each county shall conduct the election for governing board members.

Sec. 11. If a tie vote occurs among any of the candidates in an election under this chapter, the tie vote shall be resolved under IC 3-12-9-4.

Sec. 12. (a) This section applies only to a school corporation with territory in a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred

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seventy thousand (170,000).

(b) This section applies if there is a:

(1) tie vote in an election for a member of the governing body of a school corporation; or

(2) vacancy on the governing body of a school corporation.

(c) Notwithstanding any other law, if a tie vote occurs among any of the candidates for the governing body or a vacancy occurs on the governing body, the remaining members of the governing body, even if the remaining members do not constitute a majority of the governing body, shall by a majority vote of the remaining members:

(1) select one (1) of the candidates who shall be declared elected; or

(2) fill the vacancy by appointing an individual to fill the vacancy.

(d) An individual appointed to fill a vacancy under subsection (c)(2):

(1) must satisfy all the qualifications required of a member of the governing body; and

(2) shall fill the remainder of the unexpired term of the vacating member.

(e) If a tie vote occurs among the remaining members of the governing body or the governing body fails to act within thirty (30) days after the election or the vacancy occurs, the fiscal body (as defined in IC 3-5-2-25) of the township in which the greatest percentage of the population of the school district resides shall break the tie or make the appointment. A member of the fiscal body who was a candidate and is involved in a tie vote may not cast a vote regarding the tie vote under this subsection.

(f) If the fiscal body of a township is required to act under this section and a vote in the fiscal body results in a tie, the deciding vote to break the tie vote shall be cast by the executive.

Sec. 13. Governing body members who are elected take office and assume their duties on January 1 or July 1 after their election, as stated in the school corporation's plan.

SECTION 67. IC 20-23-12-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members elected as follows:

(1) On a nonpartisan basis.

(2) In a **primary general** election ~~held~~ in the county.

(b) Six (6) of the members shall be elected from the school districts

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drawn under section 4 of this chapter. Each member:

(1) is elected from the school district in which the member resides; and

(2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

(c) One (1) of the members elected:

(1) is the at-large member of the governing body;

(2) may reside in any of the districts drawn under section 4 of this chapter; and

(3) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

SECTION 68. IC 20-23-12-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The term of each person elected to serve on the governing body

(1) is four (4) years. ~~and~~

(2) ~~begins~~

(b) The term of each person elected to serve on the governing body begins the ~~July 1~~ **January 1** that next follows the person's election.

SECTION 69. IC 20-23-12-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

SECTION 70. IC 20-23-13-1, AS ADDED BY P.L.230-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In a community school corporation established under IC 20-23-4 that:

(1) has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

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(b) At the 2008 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) governing body members, each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

(c) At the 2006 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) governing body members, each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

(d) (b) The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this section: chapter.

SECTION 71. IC 20-23-13-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) As used in this section, "county election board" includes a board of elections and registration established under IC 3-6-5.2.

(b) The voters of a school city shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.

(c) Each candidate for election to the governing body must file a petition of nomination with the county election board in each county in which a school city subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:

(1) The petition must be signed by at least two hundred (200) legal voters of the school city.

(2) Each petition may nominate only one (1) candidate.

(3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.

(d) After all the petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on

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the ballot:

- (1) in alphabetical order;
- (2) without party designation; and
- (3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 72. IC 20-23-13-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in ~~IC 20-23-4-27 and IC 20-23-4-29 through IC 20-23-4-31~~, **IC 20-23-4 and IC 20-23-11.9**, but this chapter prevails over any conflicting provisions of ~~IC 20-23-4~~ **either of those statutes** relating to any school corporation.

SECTION 73. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

- (1) Each prospective candidate must file a **petition of nomination** ~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the **primary general** election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following: ~~information:~~
 - (A) The name of the prospective candidate.
 - (B) Whether the prospective candidate is a district candidate or an at-large candidate.
 - (C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.
 - (D) The signatures of at least one hundred (100) registered voters residing in the school corporation.
- (2) Each prospective candidate for a district position must:
 - (A) reside in the district; and
 - (B) have resided in the district for at least the three (3) years immediately preceding the election.
- (3) Each prospective candidate for an at-large position must:
 - (A) reside in the school corporation; and
 - (B) have resided in the school corporation for at least the three (3) years immediately preceding the election.

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(4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:

(A) be a registered voter;

(B) have been a registered voter for at least the three (3) years immediately preceding the election; and

(C) be a high school graduate or have received a:

(i) high school equivalency certificate; or

(ii) state general educational development (GED) diploma under IC 20-20-6.

(5) A prospective candidate may not:

(A) hold any other elective or appointive office; or

(B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.

SECTION 74. IC 20-23-14-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** The term of each person elected to serve on the governing body

~~(1)~~ is four (4) years. ~~and~~

~~(2)~~ begins

(b) The term of each person elected to serve on the governing body begins on the July 1 or January 1 that next follows the person's election.

SECTION 75. IC 20-23-14-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the **primary general** election to be held in 2008 and every four (4) years thereafter.

(2) Two (2) of the members are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

SECTION 76. IC 20-23-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 17. Reorganization of School Corporations

Sec. 1. Before July 1, 2012, a school corporation with an ADM on July 1, 2008, of:

(1) less than two thousand (2,000) students shall; and

(2) greater than one thousand nine hundred ninety-nine (1,999) students may;

reorganize under this chapter.

Sec. 2. A governing body shall hold public hearings to discuss

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the methods of reorganization available to the school corporation under this article and seek testimony from the public, community and business leaders, teachers, administrators, and other school employees concerning the appropriate form for the reorganization. Factors to be considered in making a determination may include the following:

- (1) Student achievement.
- (2) Geographic considerations.
- (3) Population distribution.
- (4) Transportation issues.
- (5) Costs.

Sec. 3. After holding public hearings under section 2 of this chapter, the governing body shall determine the most appropriate form for the reorganization of the school corporation under this article and carry out the steps necessary for the reorganization.

Sec. 4. In a reorganization under this chapter, a school corporation may, but is not required to, close school buildings.

Sec. 5. A governing body shall submit the governing body's plan for reorganization to the state board.

Sec. 6. This section applies if a governing body does not develop a reorganization plan under this chapter that will be implemented before July 1, 2013. After June 30, 2012, the state board shall develop a reorganization plan for a school corporation to which this chapter applies and require the governing body to implement the plan.

Sec. 7. This section applies to a school corporation with an ADM on July 1, 2008, of less than two thousand (2,000) students. If the governing body determines, based on the factors set forth in and public testimony received under section 2 of this chapter, that it is not in the best interests of the students of the school corporation to reorganize the school corporation, the governing body may petition to the state board for a waiver from the requirements of this chapter.

SECTION 77. IC 20-25-3-4, AS AMENDED BY P.L.1-2006, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board consists of seven (7) members. A member:

- (1) must be elected on a nonpartisan basis in **primary general** elections held in the county as specified in this section; and
- (2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at

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large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

(1) balloting procedures for the election under IC 3; and

(2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on ~~July 1 of the year of~~ **January 1 immediately following** the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

SECTION 78. IC 20-26-4-4, AS ADDED BY P.L.1-2005,

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SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section does not apply to a school city of the first class or to a school corporation succeeding to all or the major part in area of a school city of the first class.

(b) The commencement and termination of terms of members of a governing body are as follows:

(1) Except as provided in subdivision (2), the governing body of each school corporation shall determine whether the term of office for the governing body's members extends from January 1 to December 31 or from July 1 to June 30. A governing body that makes a change in the commencement date of the governing body's members' terms shall report the change to the state board before August 1 preceding the year in which the change takes place. An ex officio member of a governing body shall take office at the time the ex officio member takes the oath of the office by virtue of which the ex officio member is entitled to become an ex officio member.

(2) In a county having a population of more than four hundred thousand (400,000), the terms of office for the members of a governing body ~~whether elected or appointed~~, commence on July 1 of the year in which the members are to take office under the plan, resolution, or law under which the school corporation is established, and terminate on the June 30 of the final year of the term for which the members are to serve under the plan, resolution, or law.

(c) If a vacancy in the membership of a governing body occurs for any reason (including the failure of a sufficient number of petitions for candidates for governing body membership being filed for an election), ~~and whether the vacancy was of an elected or appointed member~~; the remaining members of the governing body shall by majority vote fill the vacancy by appointing a person from within the boundaries of the school corporation, with the residence and other qualifications provided for a regularly elected ~~or appointed~~ board member filling the membership, to serve for the term or the balance of the term. However, this subsection does not apply to a vacancy

~~(1) of a member who serves on a governing body in an ex officio capacity. or~~

~~(2) a vacancy in an appointed board membership if a plan, resolution, or law under which the school corporation operates specifically provides for filling vacancies by the appointing authority.~~

SECTION 79. IC 20-26-4-7, AS ADDED BY P.L.1-2005,

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SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in IC 20-25-3-3, the governing body of a school corporation by resolution has the power to pay each member of the governing body a reasonable amount for service as a member, not to exceed:

- (1) two thousand dollars (\$2,000) per year; and
- (2) a per diem not to exceed the rate approved for members of the board of school commissioners under IC 20-25-3-3(d).

(b) If the members of the governing body are totally comprised of appointed members, the appointive authority under IC 20-23-4-28(e) shall approve the per diem rate allowable under subsection (a)(2) before the governing body may make the payments:

(c) To make a valid approval under subsection (b), the appointive authority must approve the per diem rate with the same endorsement required under IC 20-23-4-28(f) to make the appointment of the member:

SECTION 80. IC 22-11-14-2, AS AMENDED BY P.L.187-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The fire prevention and building safety commission shall:

- (1) adopt rules under IC 4-22-2 for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and
- (2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

- (1) name a competent operator who is to officiate at the display;
- (2) set forth a brief resume of the operator's experience;
- (3) be made in writing; and
- (4) be received with the applicable fee by the division of fire and building safety at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be located, discharged, or fired as, in the opinion of:

- (1) the chief of the fire department of the city or town in which the display is to be held; or
- (2) the:

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(A) township fire chief or the fire chief of the municipality nearest the site proposed, **before January 1, 2011; or**
 (B) **county fire chief, after December 31, 2010;**
 in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person may not possess, transport, or deliver special fireworks, except as authorized under this section.

SECTION 81. IC 22-11-14-3.5, AS ADDED BY P.L.187-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.5. The fire prevention and building safety commission may adopt rules under IC 4-22-2 that specify the conditions under which the chief of a municipal ~~or~~ **fire department, township fire department, or (after December 31, 2010) county fire department** may grant a permit to a person to sponsor a special discharge location in the municipality, ~~or~~ township, **or (after December 31, 2010) county.**

SECTION 82. IC 22-12-1-18.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18.7. "Qualified entity" means:

- (1) a volunteer fire department (as defined in IC 36-8-12-2);
- (2) the executive of a township providing fire protection under IC 36-8-13-3(a)(1); ~~or~~
- (3) a municipality providing fire protection to a township under IC 36-8-13-3(a)(2) or IC 36-8-13-3(a)(3); **or**
- (4) **after December 31, 2010, the executive of a county providing fire protection under IC 36-8-13.5.**

SECTION 83. IC 23-14-33-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 7.5. "Cemetery fund"** means:

- (1) **the township fund for a township:**
 - (A) **reorganized under IC 36-1.5; or**
 - (B) **in a county having a consolidated city; or**
- (2) **the cemetery fund for a county not having a consolidated city.**

SECTION 84. IC 23-14-33-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.5. "Township" means:**

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1 **(1) a township:**

2 **(A) reorganized under IC 36-1.5; or**

3 **(B) in a county having a consolidated city; or**

4 **(2) the county containing a township not described in**
 5 **subdivision (1).**

6 SECTION 85. IC 23-14-33-32.6 IS ADDED TO THE INDIANA
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.6. "Township trustee" or**
 9 **"trustee" means:**

10 **(1) a township trustee for a township in a county having a**
 11 **consolidated city;**

12 **(2) the township executive in a township reorganized under**
 13 **IC 36-1.5; or**

14 **(3) the county containing a township not described in**
 15 **subdivision (1) or (2).**

16 SECTION 86. IC 23-14-64-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. All expenses
 18 incurred by the trustee in administering this chapter shall be paid out
 19 of the ~~township cemetery fund. of the township.~~

20 SECTION 87. IC 23-14-68-4 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The
 22 township shall appropriate enough money to provide for the care,
 23 repair, and maintenance of each cemetery described in section 1(a) of
 24 this chapter that is located within the township. Funds shall be
 25 appropriated under this subsection in the same manner as other
 26 ~~township~~ appropriations.

27 (b) The township may levy a ~~township~~ cemetery tax to create a fund
 28 for maintenance of cemeteries under this chapter. If a fund has not been
 29 provided for maintenance of cemeteries under this chapter, part of the
 30 township fund **or other funds of the township** may be used.

31 SECTION 88. IC 23-14-69-5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) If:

33 (1) no land suitable for a public cemetery is donated to a
 34 township; and

35 (2) ~~if~~ the township legislative body adopts a resolution approving
 36 the purchase;

37 the township ~~executive~~ may purchase land for the purpose of
 38 establishing a public cemetery.

39 (b) When land is purchased and conveyed to the township under
 40 subsection (a), the land must be set apart, kept in repair, and used as
 41 provided in section 6 of this chapter.

42 SECTION 89. IC 23-14-69-9 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 9. All expenses
 2 incurred by the township trustee for administering this chapter shall be
 3 paid out of the ~~township cemetery~~ fund of the township.

4 SECTION 90. IC 31-27-3-4, AS ADDED BY P.L.145-2006,
 5 SECTION 273, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) A county may establish a
 7 child caring institution. The child caring institution may be operated
 8 by:

9 (1) the county; or
 10 (2) a public or private agency under contract with the county;
 11 and must be operated under the rules adopted by the director under this
 12 article.

13 (b) This section does not affect the following:

14 (1) ~~IC 31-31-1-1~~ or IC 31-40, requiring the county fiscal body to
 15 appropriate sufficient money to pay for services ordered by the
 16 juvenile court.

17 (2) IC 31-31-8, authorizing the juvenile court to establish
 18 detention and shelter care facilities.

19 (3) IC 12-13-5 and IC 12-19-1, requiring the division of family
 20 resources, the office, and the county departments to provide care
 21 and treatment for delinquent children and children in need of
 22 services.

23 SECTION 91. IC 31-27-5-5, AS ADDED BY P.L.145-2006,
 24 SECTION 273, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A county may establish a
 26 child group home. The group home may be operated by:

27 (1) the county; or
 28 (2) a public or private agency under contract with the county;
 29 and must be operated under the rules adopted by the director under this
 30 article.

31 (b) This section does not affect the following:

32 (1) ~~IC 31-31-1-1~~ or IC 31-40, requiring the county fiscal body to
 33 appropriate sufficient money to pay for services ordered by the
 34 juvenile court.

35 (2) IC 31-31-8, authorizing the juvenile court to establish
 36 detention and shelter care facilities.

37 (3) IC 12-13-5 and IC 12-19-1, requiring the department and the
 38 county office to provide care and treatment for delinquent
 39 children and children in need of services.

40 SECTION 92. IC 31-34-18-1.3 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.3. (a) The individuals
 42 participating in a meeting described in section 1.1 of this chapter shall

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1 assist the person preparing the report in recommending the care,
2 treatment, rehabilitation, or placement of the child.

3 (b) The individuals shall inform the person preparing the report of
4 resources and programs that are available for the child.

5 **(c) The probation officer or caseworker shall collect, maintain,**
6 **and complete financial eligibility forms designated by the director**
7 **to assist in obtaining federal reimbursement and other**
8 **reimbursement.**

9 SECTION 93. IC 31-34-18-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. The probation officer
11 or caseworker shall also **collect information and** prepare a financial
12 report on the parent or the estate of the child to assist the juvenile court
13 **and the county office** in:

14 (1) determining the person's financial responsibility; **and**

15 **(2) obtaining federal reimbursement;**

16 for services provided for the child or the person.

17 SECTION 94. IC 31-34-24-4, AS AMENDED BY P.L.145-2006,
18 SECTION 326, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) Before March 1, 1998, each
20 county shall establish a team to develop a plan as described in this
21 chapter.

22 (b) The team is composed of the following members, each of whom
23 serves at the pleasure of the member's appointing authority:

24 (1) Two (2) members appointed by the judge or judges of the
25 juvenile court, one (1) of whom is a representative of the
26 probation department.

27 (2) Two (2) members appointed by the director of the county
28 office as follows:

29 (A) One (1) is a member of the staff of the department who
30 provides child welfare services to the county office.

31 (B) One (1) is either:

32 (i) an interested resident of the county; or

33 (ii) a representative of a social service agency;

34 who knows of child welfare needs and services available to
35 residents of the county.

36 (3) One (1) member appointed by the superintendent of the largest
37 school corporation in the county.

38 (4) If:

39 (A) two (2) school corporations are located within the county,
40 one (1) member appointed by the superintendent of the second
41 largest school corporation in the county; or

42 (B) more than two (2) school corporations are located within

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the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.

~~(5) One (1) member appointed by the county fiscal body.~~

~~(6)~~ (5) One (1) member representing the community mental health center (as defined under IC 12-7-2-38) serving the county, appointed by the director of the community mental health center. However, if more than one (1) community mental health center serves the county, the member shall be appointed by the ~~county fiscal body~~ **director**.

~~(7)~~ (6) One (1) or more additional members appointed by the ~~chairperson of the team~~ **county director**, from among interested or knowledgeable residents of the community or representatives of agencies providing social services to or for children in the county.

SECTION 95. IC 31-34-24-8, AS AMENDED BY P.L.145-2006, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. In preparing the plan, the team shall review and consider existing publicly and privately funded programs that are available or that could be made available in the county to provide supportive services to or for the benefit of children described in section 3 of this chapter without removing the child from the family home, including programs funded through the following:

- (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).
- (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).
- (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).
- (4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.).
- (5) Community corrections programs under IC 11-12.
- (6) Special education programs under IC 20-35-6-2.
- (7) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the department, county offices, prosecutors, or juvenile courts, including **child services and** programs funded under ~~IC 12-19-7~~ and IC 31-40.
- (8) Probation user's fees under IC 31-40-2-1.
- (9) Child advocacy fund under IC 12-17-17.

SECTION 96. IC 31-34-24-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. The ~~director or the~~ state superintendent of public instruction may, not later than thirty (30) days after receiving the plan, transmit to the team and the ~~county fiscal body~~ **director** any comments, including recommendations for

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modification of the plan, that the ~~director or the~~ state superintendent of public instruction considers appropriate.

SECTION 97. IC 31-34-24-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. Not later than sixty (60) days after receiving the plan, the ~~county fiscal body~~ **director** shall do one (1) of the following:

(1) Approve the plan as submitted by the team.

~~(2) Approve the plan with amendments, modifications, or revisions adopted by the county fiscal body.~~

~~(3)~~ **(2)** Return the plan to the team with directions concerning:

(A) subjects for further study and reconsideration; and

(B) resubmission of a revised plan.

SECTION 98. IC 31-34-24-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. ~~(a)~~ Upon receiving the initial plan and each revised or updated plan, the ~~county fiscal body~~ **director** shall consider the plan in developing the ~~family and children's fund~~ **budget for the delivery of child services in the county.**

~~(b) The county fiscal body may appropriate from the family and children's fund any amounts necessary to provide funding to implement the plan.~~

SECTION 99. IC 31-34-24-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) The team shall meet at least one (1) time each year to do the following:

(1) Develop, review, or revise a strategy that identifies:

(A) the manner in which prevention and early intervention services will be provided or improved;

(B) how local collaboration will improve children's services; and

(C) how different funds can be used to serve children and families more effectively.

(2) Reorganize as needed and select its vice chairperson for the ensuing year.

(3) Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the team considers necessary or appropriate to improve the quality and efficiency of early intervention child welfare services provided in accordance with the plan.

(4) Prepare and submit to the ~~county fiscal body~~ **director and the state superintendent of public instruction** a report on the operations of the plan during the preceding year and a revised and updated plan for the ensuing year.

(b) The chairperson or vice chairperson of the team ~~or the county~~

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1 ~~fiscal body~~ may convene any additional meetings of the team that are,
 2 in the chairperson's or vice chairperson's opinion, necessary or
 3 appropriate.

4 SECTION 100. IC 31-34-24-15 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. The team ~~or the~~
 6 ~~county fiscal body~~ shall transmit copies of the plan, each annual report,
 7 and each revised plan to the following:

- 8 (1) The director.
- 9 (2) The state superintendent of public instruction.
- 10 (3) The county office.
- 11 (4) The juvenile court.
- 12 (5) The superintendent of each public school corporation in the
- 13 county.
- 14 (6) The local step ahead council.
- 15 (7) Any public or private agency that:
 - 16 (A) provides services to families and children in the county
 - 17 that requests information about the plan; or
 - 18 (B) the team has identified as a provider of services relevant
 - 19 to the plan.

20 SECTION 101. IC 31-34-24-16 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. The team ~~or the~~
 22 ~~county fiscal body~~ shall publicize to residents of the county the
 23 existence and availability of the plan.

24 SECTION 102. IC 31-37-24-4, AS AMENDED BY P.L.145-2006,
 25 SECTION 354, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) Before March 1, 1998, each
 27 county shall establish a team to develop a plan as described in this
 28 chapter.

29 (b) The team is composed of the following members, each of whom
 30 serves at the pleasure of the member's appointing authority:

- 31 (1) Two (2) members appointed by the judge or judges of the
- 32 juvenile court, one (1) of whom is a representative of the
- 33 probation department.
- 34 (2) Two (2) members appointed by the director of the county
- 35 office as follows:
 - 36 (A) One (1) is a member of the staff of the department who
 - 37 provides child welfare services to the county office.
 - 38 (B) One (1) is either:
 - 39 (i) an interested resident of the county; or
 - 40 (ii) a representative of a social service agency;
 - 41 who knows of child welfare needs and services available to
 - 42 residents of the county.

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(3) One (1) member appointed by the superintendent of the largest school corporation in the county.

(4) If:

(A) two (2) school corporations are located within the county, one (1) member appointed by the superintendent of the second largest school corporation in the county; or

(B) more than two (2) school corporations are located within the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.

~~(5) One (1) member appointed by the county fiscal body.~~

~~(6) (5)~~ One (1) member representing the community mental health center (as defined under IC 12-7-2-38) serving the county, appointed by the director of the community mental health center. However, if more than one (1) community mental health center serves the county, the member shall be appointed by the ~~county fiscal body~~ **director**.

~~(7) (6)~~ One (1) or more additional members appointed by the ~~chairperson of the team~~ **county director**, from among interested or knowledgeable residents of the community or representatives of agencies providing social services to or for children in the county.

SECTION 103. IC 31-37-24-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. If a county has in existence a committee, council, or other organized group that includes representatives of all of the appointing authorities described in section 4 of this chapter, the ~~county fiscal body~~ **director** may elect to designate that existing organization as the county's team for purposes of this chapter.

SECTION 104. IC 31-37-24-8, AS AMENDED BY P.L.145-2006, SECTION 355, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. In preparing the plan, the team shall review and consider existing publicly and privately funded programs that are available or that could be made available in the county to provide supportive services to or for the benefit of children described in section 3 of this chapter without removing the child from the family home, including programs funded through the following:

- (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).
- (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).
- (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).
- (4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.).

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- (5) Community corrections programs under IC 11-12.
- (6) Special education programs under IC 20-35-6-2.
- (7) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the department, county offices, prosecutors, or juvenile courts, including **child services** and programs funded under ~~IC 12-19-7~~ and IC 31-40.
- (8) Probation user's fees under IC 31-40-2-1.
- (9) The child advocacy fund under IC 12-17-17.

SECTION 105. IC 31-37-24-11, AS AMENDED BY P.L.273-1999, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. The ~~director or the~~ state superintendent of public instruction may, not later than thirty (30) days after receiving the plan, transmit to the team and the ~~county fiscal body~~ **director** any comments, including recommendations for modification of the plan, that the ~~director or the~~ state superintendent of public instruction considers appropriate.

SECTION 106. IC 31-37-24-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. Not later than sixty (60) days after receiving the plan, the ~~county fiscal body~~ **director** shall do one (1) of the following:

- (1) Approve the plan as submitted by the team.
- ~~(2) Approve the plan with amendments, modifications, or revisions adopted by the county fiscal body.~~
- ~~(3)~~ **(2)** Return the plan to the team with directions concerning:
 - (A) subjects for further study and reconsideration; and
 - (B) resubmission of a revised plan.

SECTION 107. IC 31-37-24-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. ~~(a)~~ Upon receiving the initial plan and each revised or updated plan, the ~~county fiscal body~~ **director** shall consider the plan in developing the ~~family and children's fund~~ **budget for the delivery of child services in the county.**

~~(b) The county fiscal body may appropriate from the family and children's fund any amounts necessary to provide funding to implement the plan.~~

SECTION 108. IC 31-37-24-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) The team shall meet at least one (1) time each year to do the following:

- (1) Develop, review, or revise a strategy that identifies:
 - (A) the manner in which prevention and early intervention services will be provided or improved;
 - (B) how local collaboration will improve children's services;

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(C) how different funds can be used to serve children and families more effectively.

(2) Reorganize as needed and select its vice chairperson for the ensuing year.

(3) Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the team considers necessary or appropriate to improve the quality and efficiency of early intervention child ~~welfare~~ services provided in accordance with the plan.

(4) Prepare and submit to the ~~county fiscal body~~ **director and the state superintendent of public instruction** a report on the operations of the plan during the preceding year and a revised and updated plan for the ensuing year.

(b) The chairperson or vice chairperson of the team ~~or the county fiscal body~~ may convene any additional meetings of the team that are, in the chairperson's or vice chairperson's opinion, necessary or appropriate.

SECTION 109. IC 31-37-24-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. The team ~~or the county fiscal body~~ shall transmit copies of the initial plan, each annual report, and each revised plan to the following:

- (1) The director.
- (2) The state superintendent of public instruction.
- (3) The county office.
- (4) The juvenile court.
- (5) The superintendent of each public school corporation in the county.
- (6) The local step ahead council.
- (7) Any public or private agency that:
 - (A) provides services to families and children in the county that requests information about the plan; or
 - (B) the team has identified as a provider of services relevant to the plan.

SECTION 110. IC 31-37-24-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. The team ~~or the county fiscal body~~ shall publicize to residents of the county the existence and availability of the plan.

SECTION 111. IC 31-40-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This article applies to a financial burden sustained by a county ~~or the division~~ as the result of costs paid by the county ~~or the division~~ under section 2 of this

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chapter, including costs resulting from the institutional placement of a child adjudicated a delinquent child or a child in need of services.

SECTION 112. IC 31-40-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. **(a) As used in this section, "per diem" means the amount payable for the cost of support and maintenance of a child placed by, or placed with the approval of, a juvenile court in a facility other than the home of the child's parent or guardian, including the cost of the items that are included in foster care maintenance payments (as defined in 42 U.S.C. 675(4)), or that would be included if the child were eligible for assistance under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).**

~~(a)~~ **(b)** The ~~county~~ **division** shall pay from the ~~county~~ **family and children's state general** fund the cost of:

- (1) **any per diem and** any services ordered by the juvenile court for any child or the child's parent, guardian, or custodian, ~~other than secure detention~~; **except as provided in subsection (c);** and
- (2) returning a child under IC 31-37-23.

(c) The county shall pay from the county general fund the cost of any per diem for a child adjudicated a delinquent child under IC 31-37, or for a child for whom a program of informal adjustment has been implemented under IC 31-37-9, if the child is placed in a secure facility that is not a secure private facility.

~~(b)~~ **(d)** The county fiscal body shall provide sufficient money to meet the court's requirements.

SECTION 113. IC 31-40-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A parent or guardian of the estate of a child adjudicated a delinquent child or a child in need of services is financially responsible as provided in this chapter (or IC 31-6-4-18(e) before its repeal) for any services ordered by the court.

(b) Each parent of a child alleged to be a child in need of services or alleged to be a delinquent child shall, before a dispositional hearing, furnish the court with an accurately completed and current child support obligation worksheet on the same form that is prescribed by the Indiana supreme court for child support orders.

(c) At:

- (1) a detention hearing;
- (2) a hearing that is held after the payment of costs by a county under section 2 of this chapter (or IC 31-6-4-18(b) before its repeal);
- (3) the dispositional hearing; or

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(4) any other hearing to consider modification of a dispositional decree;
the juvenile court shall order the child's parents or the guardian of the child's estate to pay for or reimburse the county **or the division** for the cost of services provided to the child or the parent or guardian unless the court finds that the parent or guardian is unable to pay or that justice would not be served by ordering payment from the parent or guardian.

SECTION 114. IC 31-40-1-5, AS AMENDED BY P.L.145-2006, SECTION 362, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) This section applies whenever the court orders or approves removal of a child from the home of a child's parent or guardian and placement of the child in a child caring institution (as defined in IC 31-9-2-16.7), a foster family home (as defined in IC 31-9-2-46.9), or the home of a relative of the child that is not a foster family home.

(b) If an existing support order is in effect, the court shall order the support payments to be assigned to the county office **or the division** for the duration of the placement out of the home of the child's parent or guardian. The court shall notify the court that:

(1) entered the existing support order; or
(2) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;
of the assignment and assumption of jurisdiction by the juvenile court under this section.

(c) If an existing support order is not in effect, the court shall do the following:

(1) Include in the order for removal or placement of the child an assignment to the county office **or the division**, or confirmation of an assignment that occurs or is required under applicable federal law, of any rights to support, including support for the cost of any medical care payable by the state under IC 12-15, from any parent or guardian who has a legal obligation to support the child.
(2) Order support paid to the county office **or the division** by each of the child's parents or the guardians of the child's estate to be based on child support guidelines adopted by the Indiana supreme court and for the duration of the placement of the child out of the home of the child's parent or guardian, unless:

(A) the court finds that entry of an order based on the child support guidelines would be unjust or inappropriate considering the best interests of the child and other necessary obligations of the child's family; or

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(B) the county office does not make foster care maintenance payments to the custodian of the child. For purposes of this clause, "foster care maintenance payments" means any payments for the cost of (in whole or in part) and the cost of providing food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable amounts for travel to the child's home for visitation. In the case of a child caring institution, the term also includes the reasonable costs of administration and operation of the institution as are necessary to provide the items described in this clause.

(3) If the court:

(A) does not enter a support order; or

(B) enters an order that is not based on the child support guidelines;

the court shall make findings as required by 45 CFR 302.56(g).

(d) Payments in accordance with a support order assigned under subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f) before its repeal) shall be paid through the clerk of the circuit court as trustee for remittance to the county office.

(e) The Title IV-D agency shall establish, modify, or enforce a support order assigned or entered by a court under this section in accordance with IC 31-25-3, IC 31-25-4, and 42 U.S.C. 654. The county office shall, if requested, assist the Title IV-D agency in performing its duties under this subsection.

(f) If the juvenile court terminates placement of a child out of the home of the child's parent or guardian, the court shall:

(1) notify the court that:

(A) entered a support order assigned to the county office under subsection (b); or

(B) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the termination of jurisdiction of the juvenile court with respect to the support order;

(2) terminate a support order entered under subsection (c) that requires payment of support by a custodial parent or guardian of the child, with respect to support obligations that accrue after termination of the placement; or

(3) continue in effect, subject to modification or enforcement by a court having jurisdiction over the obligor, a support order entered under subsection (c) that requires payment of support by a noncustodial parent or guardian of the estate of the child.

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(g) The court may at or after a hearing described in section 3 of this chapter order the child's parent or the guardian of the child's estate to reimburse the county office **or the division** for all or any portion of the expenses for services provided to or for the benefit of the child that are paid from the ~~county family and children's state general~~ fund during the placement of the child out of the home of the parent or guardian, in addition to amounts reimbursed through payments in accordance with a support order assigned or entered as provided in this section, subject to applicable federal law.

SECTION 115. IC 31-40-1-6, AS AMENDED BY P.L.145-2006, SECTION 363, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) The department ~~with the approval of the county fiscal body,~~ may contract with any of the following, on terms and conditions with respect to compensation and payment or reimbursement of expenses as the department may determine, for the enforcement and collection of any parental reimbursement obligation established by order entered by the court under section 3 or 5(g) of this chapter:

(1) The prosecuting attorney of the county that paid the cost of the services ordered by the court, as provided in section 2 of this chapter.

(2) An attorney for the department on behalf of the county office that paid the cost of services ordered by the court, if the attorney is not an employee of the county office or the department.

(3) An attorney licensed to practice law in Indiana.

(b) A contract entered into under this section is subject to approval under IC 4-13-2-14.1.

(c) Any fee payable to a prosecuting attorney under a contract under subsection (a)(1) shall be deposited in the county general fund and credited to a separate account identified as the prosecuting attorney's child services collections account. The prosecuting attorney may expend funds credited to the prosecuting attorney's child services collections account, without appropriation, only for the purpose of supporting and enhancing the functions of the prosecuting attorney in enforcement and collection of parental obligations to reimburse the ~~county family and children's state general~~ fund.

SECTION 116. IC 31-40-1-7, AS AMENDED BY P.L.145-2006, SECTION 364, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Amounts received as payment of support or reimbursement of the cost of services paid as provided in this chapter shall be distributed in the following manner:

(1) If any part of the cost of services was paid from federal funds

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under Title IV Part E of the Social Security Act (42 U.S.C. 671 et seq.), the amounts received shall first be applied as provided in 42 U.S.C. 657 and 45 CFR 302.52.

(2) All amounts remaining after the distributions required by subdivision (1) shall be deposited in the family and children's fund (established by IC 12-19-7-3) of the county that paid the cost of the services.

(b) Any money deposited in a county family and children's fund under this section shall be reported to the department, in the form and manner prescribed by the department, and shall be applied to the child services budget compiled and adopted by the county director for the next state fiscal year, in accordance with IC 12-19-7-6: state general fund.

SECTION 117. IC 31-40-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Subject to IC 31-40-1-3, a juvenile court may order each delinquent child who receives supervision under IC 31-37-19 or the child's parent, guardian, or custodian to pay to either the probation department or the clerk of the court:

(1) an initial probation user's fee of at least twenty-five dollars (\$25) but not more than one hundred dollars (\$100);

(2) a probation user's fee of at least ten dollars (\$10) but not more than twenty-five dollars (\$25) for each month the child receives supervision; and

(3) an administrative fee of one hundred dollars (\$100) if the delinquent child is supervised by a juvenile probation officer.

(b) If a clerk of a court collects a probation user's fee, the clerk ~~(+)~~ may keep not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2. and

(2) if requested to do so by the county auditor, city fiscal officer, or town fiscal officer under clause (A); (B); or (C); transfer not more than three percent (3%) of the fee to the:

(A) county auditor who shall deposit the money transferred under this subdivision into the county general fund;

(B) city general fund when requested by the city fiscal officer; or

(C) town general fund when requested by the town fiscal officer.

(c) The probation department or clerk shall collect the administrative fee under subsection (a)(3) before collecting any other

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1 fee under subsection (a). The probation department or the clerk shall
 2 deposit the probation user's fees and the administrative fees paid under
 3 subsection (a) into the county supplemental juvenile probation services
 4 fund.

5 (d) In addition to other methods of payment allowed by law, a
 6 probation department may accept payment of fees required under this
 7 section and section 1-5 of this chapter by credit card (as defined in
 8 IC 14-11-1-7). The liability for payment is not discharged until the
 9 probation department receives payment or credit from the institution
 10 responsible for making the payment or credit.

11 (e) The probation department may contract with a bank or credit
 12 card vendor for acceptance of bank or credit cards. However, if there
 13 is a vendor transaction charge or discount fee, whether billed to the
 14 probation department or charged directly to the probation department's
 15 account, the probation department may collect a credit card service fee
 16 from the person using the bank or credit card. The fee collected under
 17 this subsection is a permitted additional charge to the money the
 18 probation department is required to collect under subsection (a).

19 (f) The probation department shall deposit the credit card service
 20 fees collected under subsection (e) into the county supplemental
 21 juvenile probation services fund. These funds may be used without
 22 appropriation to pay the transaction charge or discount fee charged by
 23 the bank or credit card vendor.

24 SECTION 118. IC 32-26-4-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) The trustee
 26 of each township, the county highway superintendent, the Indiana
 27 department of transportation, or other officer in control of the
 28 maintenance of a highway shall, between January 1 and April 1 of each
 29 year, examine all hedges, live fences, natural growths along highways,
 30 and other obstructions described in section 1 of this chapter in their
 31 respective jurisdictions. If there are hedges, live fences, other growths,
 32 or obstructions along the highways that have not been cut, trimmed
 33 down, and maintained in accordance with this chapter, the owner shall
 34 be given written notice to cut or trim the hedge or live fence and to
 35 burn the brush trimmed from the hedge or live fence and remove any
 36 other obstructions or growths.

37 (b) The notice required under subsection (a) must be served by
 38 reading the notice to the owner or by leaving a copy of the notice at the
 39 owner's usual place of residence.

40 (c) If the owner is not a resident of the township, county, or state
 41 where the hedge, live fence, or other obstructions or growth is located,
 42 the notice shall be served upon the owner's agent or tenant residing in

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the township **or county**. If an agent or a tenant of the owner does not reside in the township **or county**, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, county highway superintendent, or Indiana department of transportation shall immediately:

- (1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and
- (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 119. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.6. As used in this chapter, "township" means the following:**

(1) A township:

- (A) in a county having a consolidated city; or**
- (B) that has reorganized under IC 36-1.5.**

(2) If the township is not described by subdivision (1), the county in which the township is located.

SECTION 120. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means the following:**

- (1) The township trustee for a township in a county having a**

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1 consolidated city.

2 (2) The township executive in a township that has reorganized
3 under IC 36-1.5.

4 (3) For a township not described in subdivision (1) or (2), the
5 county in which the township is located.

6 SECTION 121. IC 32-26-9-3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) A partition
8 fence shall be built, rebuilt, and kept in repair at the cost of the property
9 owners whose properties are enclosed or separated by the fences
10 proportionately according to the number of rods or proportion of the
11 fence the property owner owns along the line of the fence, whether the
12 property owner's title is a fee simple or a life estate.

13 (b) If a property owner fails or refuses to compensate for building,
14 rebuilding, or repairing the property owner's portion of a partition
15 fence, another property owner who is interested in the fence, after
16 having built, rebuilt, or repaired the property owner's portion of the
17 fence, shall give to the defaulting property owner or the defaulting
18 property owner's agent or tenant twenty (20) days notice to build,
19 rebuild, or repair the defaulting property owner's portion of the fence.
20 If the defaulting property owner or the defaulting property owner's
21 agent or tenant fails to build, rebuild, or repair the fence within twenty
22 (20) days, the complaining property owner shall notify the township
23 trustee of the township in which the properties are located of the
24 default.

25 (c) This subsection applies if the fence sought to be established,
26 rebuilt, or repaired is on a township line. Unless disqualified under
27 subsection (h), the complaining property owner shall notify the trustee
28 of the township in which the property of the complaining property
29 owner is located of the default under subsection (b), and the trustee has
30 jurisdiction in the matter.

31 (d) The township trustee who receives a complaint under this
32 section shall:

33 (1) estimate the costs for building, rebuilding, or repairing the
34 partition fence; and

35 (2) within a reasonable time after receiving the complaint, make
36 out a statement and notify the defaulting property owner of the
37 probable cost of building, rebuilding, or repairing the fence.

38 If twenty (20) days after receiving a notice under this subsection the
39 defaulting property owner has not built, rebuilt, or repaired the fence,
40 the trustee shall build or repair the fence. The trustee may use only the
41 materials for the fences that are most commonly used by the farmers of
42 the community.

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(e) If the trustee of a township is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

(1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.

(2) A straight rail fence four and one-half (4 1/2) feet high.

(3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee is:

(1) related to any of the interested property owners; or

(2) an interested property owner;

the trustee of any other township who resides nearest to where the fence is located shall **township shall appoint another official to act** under this chapter.

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the

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1 floodgates or other similar structure required under subsection (j)
 2 causes additional expenses and the property owners cannot agree upon
 3 the character of floodgates or other similar structure, or upon the
 4 proportionate share of the cost to be borne by each property owner. The
 5 township trustee, upon notice in writing from either property owner of
 6 a disagreement and the nature of the disagreement, shall appoint three
 7 (3) disinterested citizens of the township who shall determine the kind
 8 of structure and apportion the cost of the floodgate or other structure
 9 between the property owners, taking into consideration the parts of the
 10 fence being maintained by each property owner.

11 (l) The determination of a majority of the arbitrators of any matter
 12 or matters submitted to them under this section is final and binding on
 13 each property owner. The compensation of the arbitrators is two dollars
 14 (\$2) each, which shall be paid by the property owners in the proportion
 15 each property owner is ordered to bear the expense of a gate or
 16 structure.

17 (m) This subsection applies if either or both of the property owners
 18 fail to construct or compensate for constructing the structure
 19 determined upon by the arbitrators in the proportion determined within
 20 thirty (30) days after the determination. The township trustee shall
 21 proceed at once to construct the gate or structure and collect the cost
 22 of the gate or structure, including the compensation of the arbitrators,
 23 from the defaulting property owner in the same manner as is provided
 24 for ordinary partition fences. The floodgate or other structure shall be
 25 repaired, rebuilt, or replaced according to the determination of the
 26 arbitrators.

27 SECTION 122. IC 33-23-4-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) Sitting in
 29 committee, the judges of the courts listed in section 3 of this chapter in
 30 each county shall determine the duties of the court administrator, and
 31 the court administrator shall perform the administrative duties the
 32 judges determine.

33 (b) The salary of the court administrator shall be determined by a
 34 majority of the judges listed in section 3 of this chapter in each county,
 35 sitting in committee. ~~The court administrator's salary shall be paid by~~
 36 ~~the county upon the order of the majority of the committee of judges.~~

37 SECTION 123. IC 33-23-4-6 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. ~~(a)~~ To implement
 39 this chapter, the judges of the courts, sitting in committee, may appoint
 40 additional personnel in sufficient number so that the courts are
 41 adequately served by the court administrator.

42 ~~(b) The salaries of the additional personnel shall be paid by the~~

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1 county upon the order of the committee of judges.

2 SECTION 124. IC 33-23-5-11 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. ~~Except as provided~~
4 ~~in section 12 of this chapter,~~ The state shall pay the salary of a
5 magistrate. A county located in the circuit that the magistrate serves
6 may supplement the magistrate's salary.

7 SECTION 125. IC 33-23-15 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2008]:

10 **Chapter 15. Court Expenditures**

11 **Sec. 1. Notwithstanding any other law, this chapter governs the**
12 **operations of the following courts:**

- 13 (1) Circuit court.
- 14 (2) Superior court.
- 15 (3) Probate court.
- 16 (4) County court.

17 **Sec. 2. As used in this chapter, "court" refers to a court**
18 **described in section 1 of this chapter.**

19 **Sec. 3. (a) In addition to the authority provided to a court under**
20 **IC 31 and this title to employ, manage, and fix the salary of a**
21 **judicial officer, a bailiff, a court reporter, a probation officer, and**
22 **other personnel (including an administrative officer) necessary to**
23 **transact the business of the court, a court may, individually or**
24 **jointly with another court, adopt rules to provide for the**
25 **administration of the court, including rules governing the**
26 **following:**

- 27 (1) Legal representation for indigents.
- 28 (2) Budgetary matters of the court.
- 29 (3) Operation of the probation department.
- 30 (4) Employment and management of court administrative
- 31 officers.
- 32 (5) Appointment and management of court appointed special
- 33 advocates and guardians ad litem.
- 34 (6) Maintenance of an adequate law library.
- 35 (7) Cooperative efforts with other courts for establishing and
- 36 administering shared programs and facilities.

37 **(b) The authority and rules of administration described in**
38 **subsection (a) must be consistent with the rules adopted by the**
39 **supreme court.**

40 **Sec. 4. A court shall submit a budget for the court to the division**
41 **of state court administration in conformity with rules adopted by**
42 **the supreme court.**

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1 **Sec. 5. The supreme court shall present a consolidated budget**
 2 **for the operation of all courts to the general assembly and the**
 3 **budget agency at the times and in the format the budget agency**
 4 **requests. The budget must cover all personnel and other operating**
 5 **expenses of courts except the expenditures described in sections 7**
 6 **and 8 of this chapter.**

7 **Sec. 6. Except as provided in sections 7 and 8 of this chapter, the**
 8 **state shall pay the personnel and other operating expenses of all**
 9 **courts from the amounts appropriated for the operation of courts.**

10 **Sec. 7. (a) A county served by a court shall pay the following**
 11 **capital, personnel, and other operating expenses of a court that are**
 12 **not otherwise paid with federal, state, or private funds:**

13 **(1) Costs of providing and maintaining a suitable courtroom**
 14 **and other rooms and facilities, including furniture and**
 15 **equipment, as may be necessary for the judge and**
 16 **administrative officers of the court.**

17 **(2) Costs of providing and operating a juvenile detention**
 18 **facility (as defined in IC 31-9-2-71), except for the costs of**
 19 **employing probation officers who provide services in a**
 20 **juvenile detention facility in conformity with rules adopted by**
 21 **the supreme court.**

22 **(3) Costs of providing and operating a secure private facility**
 23 **(as defined in IC 31-9-2-115) operated by the court.**

24 **(4) Costs of a community transition program that is operated**
 25 **through a probation department.**

26 **(5) Costs of a circuit court alcohol abuse deterrent program**
 27 **under IC 9-30-9.**

28 **(6) Costs of an alcohol and drug services program under**
 29 **IC 12-23-14.**

30 **(7) Supplemental payments under IC 33-23-5-11 or**
 31 **IC 33-38-5-6.**

32 **(8) Costs of returning a juvenile under IC 31-37-23.**

33 **(9) Costs of legal representation for indigents.**

34 **(10) Costs of court appointed special advocates and guardians**
 35 **ad litem.**

36 **(11) Other costs for court operations as provided by law.**

37 **(b) The county shall provide a suitable place for each of the**
 38 **following courts sitting in the county to hold court:**

39 **(1) Circuit court.**

40 **(2) Superior court.**

41 **(3) Probate court.**

42 **(4) County court.**

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1 **Sec. 8. Regardless of whether personnel from any of the**
 2 **following offices or programs are assigned to a court, a county**
 3 **shall pay the capital, personnel, and other operating expenses of**
 4 **the following offices and programs that are not otherwise paid by**
 5 **federal, state, or private funds:**

- 6 (1) Sheriff.
- 7 (2) Circuit court clerk.
- 8 (3) Prosecuting attorney.
- 9 (4) Community corrections program.
- 10 (5) Other programs as provided by law.

11 **Sec. 9. The county executive shall provide and maintain a**
 12 **suitable courtroom and facilities, including furniture and**
 13 **equipment, as necessary, for the use of the judges and court**
 14 **administrative officers serving the county.**

15 SECTION 126. IC 33-23-16 IS ADDED TO THE INDIANA CODE
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2008]:

18 **Chapter 16. Court Administrative Officers**

19 **Sec. 1. Notwithstanding any other law, this chapter governs the**
 20 **operations of the following courts:**

- 21 (1) Circuit court.
- 22 (2) Superior court.
- 23 (3) Probate court.
- 24 (4) County court.

25 **Sec. 2. As used in this chapter, "administrative officer" means**
 26 **hearing judges, magistrates, commissioners, referees, bailiffs, court**
 27 **reporters, probation officers, or other permanent or temporary**
 28 **employees required to efficiently serve a court.**

29 **Sec. 3. As used in this chapter, "court" refers to a court**
 30 **described in section 1 of this chapter.**

31 **Sec. 4. A court may:**

- 32 (1) employ an administrative officer necessary to transact the
- 33 business of the court;
- 34 (2) fix the salary of an administrative officer;
- 35 (3) submit a budget; and
- 36 (4) adopt rules and procedures for the administration of the
- 37 court.

38 **Sec. 5. The supreme court may adopt rules to govern the**
 39 **employment and management of administrative officers. A court**
 40 **shall comply with the rules adopted under this section.**

41 SECTION 127. IC 33-24-6-3 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The division of

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state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:

(A) The volume, condition, and type of business conducted by the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for the operation of the courts.

(E) The methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the judicial technology and automation project fund established by section 12 of this chapter.

(7) Compile the budgets submitted by each trial court under IC 33-23-15-4 and assist the supreme court in the preparation and submission to the general assembly of one (1) unified budget for the operation of all circuit, superior, probate, and county courts.

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

SECTION 128. IC 33-24-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. Any judge

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transferred to a court in another county shall be paid travel and other necessary expenses by the county to which the judge is transferred. An allowance for expenses shall be certified by the chief justice in duplicate to the auditor of the county. The certificate of allowance is prima facie evidence of the correctness of the claims. An item of expenses certified to be correct must be allowed by the board of commissioners of that county. **state under rules adopted by the supreme court.**

SECTION 129. IC 33-29-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) The judge of a standard superior court shall appoint a bailiff and an official court reporter for the court.

(b) The salaries of the bailiff and the official court reporter shall be:

(1) fixed in the same manner as the salaries of the bailiff and the official court reporter for the circuit court of the county in which the standard superior court is located; and

(2) paid ~~monthly~~:

(A) ~~out of the treasury of the county in which the standard superior court is located; and~~

(B) as provided by law.

SECTION 130. IC 33-30-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The county shall furnish all supplies, including the following:

(1) Blanks, forms, and papers of every kind required for use in all cases.

(2) Furniture.

(3) Books.

(4) Papers.

(5) Stationery.

(6) Recording devices.

(7) Other equipment and supplies of every character necessary for the keeping of the records of the proceedings and maintaining of the county court.

(b) The county shall provide a suitable place for the holding of court for the judge of the county court sitting in the county. ~~The county shall pay the salary of the:~~

(1) ~~deputy clerk;~~

(2) ~~county police officer;~~

(3) ~~bailiff; and~~

(4) ~~reporter;~~

~~assigned to the county court as prescribed by law.~~

SECTION 131. IC 33-31-1-13 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) When a person
 2 is appointed judge pro tem under this chapter, the appointee is entitled
 3 to ~~ten dollars (\$10)~~ for each day the appointee serves as the judge to be
 4 paid **from the state general fund under rules adopted by the**
 5 **supreme court,**

6 (1) ~~out of the county treasury of the county where the probate~~
 7 ~~court is held;~~

8 (2) ~~upon the warrant of the county auditor; and~~

9 (3) ~~based upon the filing of a claim approved by the judge of the~~
 10 ~~court.~~

11 (b) ~~Any amount more than five hundred dollars (\$500) allowed to~~
 12 ~~a judge pro tem during any year shall be deducted by the board of~~
 13 ~~county commissioners from the regular annual salary of the judge of~~
 14 ~~the probate court making the appointment unless the judge pro tem is~~
 15 ~~appointed on account of change of venue; relationship; interest as~~
 16 ~~former counsel; or absence of judge in case of serious sickness of the~~
 17 ~~judge or a family member of the judge.~~

18 SECTION 132. IC 33-31-1-20 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) The same
 20 docket fees shall be taxed in the court as are provided by law to be
 21 taxed in the circuit court.

22 (b) ~~The fees, when collected, shall be paid by the clerk to the~~
 23 ~~treasurer of the county to be applied in reimbursing the county for~~
 24 ~~expenses of the court.~~

25 SECTION 133. IC 33-31-1-22 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 22. The probate court
 27 may appoint a chief clerk and other employees as the judge considers
 28 necessary whose salaries shall be fixed by the judge and be paid ~~out of~~
 29 ~~the county treasury: as provided by law.~~

30 SECTION 134. IC 33-33-2-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The Allen circuit
 32 court has concurrent jurisdiction with the Allen superior court
 33 concerning paternity actions.

34 (b) In addition to the magistrate appointed under section 3 of this
 35 chapter, the judge of the Allen circuit court may appoint a hearing
 36 officer with the powers of a magistrate under IC 33-23-5. The hearing
 37 officer continues in office until removed by the judge.

38 (c) The salary of a hearing officer appointed under subsection (b) is
 39 equal to that of a magistrate under IC 33-23-5. ~~The hearing officer's~~
 40 ~~salary must be paid by the county. The hearing officer is a county~~
 41 ~~employee.~~

42 SECTION 135. IC 33-33-2-14, AS AMENDED BY P.L.1-2007,

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SECTION 216, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) The Allen superior court
 may appoint probate commissioners, juvenile referees, bailiffs, court
 reporters, probation officers, and other personnel, including an
 administrative officer, the court believes are necessary to facilitate and
 transact the business of the court.

(b) In addition to the personnel authorized under subsection (a) and
 IC 31-31-3, the following magistrates may be appointed:

(1) The judges of the Allen superior court-civil division may
 jointly appoint not more than four (4) full-time magistrates under
 IC 33-23-5 to serve the Allen superior court-civil division. The
 judges of the Allen superior court-civil division may jointly assign
 any magistrates the duties and powers of a probate commissioner.

(2) The judge of the Allen superior court-criminal division may
 jointly appoint not more than three (3) full-time magistrates under
 IC 33-23-5 to serve the Allen superior court-criminal division.
 Any magistrate serves at the pleasure of, and continues in office
 until jointly removed by, the judges of the division that appointed
 the magistrate.

(c) All appointments made under this section must be made without
 regard to the political affiliation of the appointees. The salaries of the
 personnel shall be fixed and paid as provided by law. ~~If the salaries of~~
~~any of the personnel are not provided by law, the amount and time of~~
~~payment of the salaries shall be fixed by the court, to be paid out of the~~
~~county treasury by the county auditor, upon the order of the court, and~~
~~be entered of record.~~ The officers and persons appointed shall perform
 duties as are prescribed by the court. Any administrative officer
 appointed by the court shall operate under the jurisdiction of the chief
 judge and serve at the pleasure of the chief judge. Any probate
 commissioners, magistrates, juvenile referees, bailiffs, court reporters,
 probation officers, and other personnel appointed by the court serve at
 the pleasure of the court.

(d) Any probate commissioner appointed by the court may be vested
 by the court with all suitable powers for the handling and management
 of the probate and guardianship matters of the court, including the
 fixing of all bonds, the auditing of accounts of estates and
 guardianships and trusts, acceptance of reports, accounts, and
 settlements filed in the court, the appointment of personal
 representatives, guardians, and trustees, the probating of wills, the
 taking and hearing of evidence on or concerning such matters, or any
 other probate, guardianship, or trust matters in litigation before the
 court, the enforcement of court rules and regulations, the making of

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1 reports to the court concerning the probate commissioner's actions
 2 under this subsection, including the taking and hearing of evidence
 3 together with the commissioner's findings and conclusions regarding
 4 the evidence. However, all matters under this subsection are under the
 5 final jurisdiction and decision of the judges of the court.

6 (e) A juvenile referee appointed by the court may be vested by the
 7 court with all suitable powers for the handling and management of the
 8 juvenile matters of the court, including the fixing of bonds, the taking
 9 and hearing of evidence on or concerning any juvenile matters in
 10 litigation before the court, the enforcement of court rules and
 11 regulations, and the making of reports to the court concerning the
 12 referee's actions under this subsection. The actions of a juvenile referee
 13 under this subsection are under final jurisdiction and decision of the
 14 judges of the court.

15 (f) A probate commissioner or juvenile referee may:

16 (1) summon witnesses to testify before the commissioner or
 17 juvenile referee; and

18 (2) administer oaths and take acknowledgments;

19 to carry out the commissioner's or juvenile referee's duties and powers.

20 (g) The powers of a magistrate appointed under this section include
 21 the powers provided in IC 33-23-5 and the power to enter a final order
 22 or judgment in any proceeding involving matters specified in
 23 IC 33-29-2-4 (jurisdiction of small claims docket) or IC 34-26-5
 24 (protective orders to prevent domestic or family violence).

25 SECTION 136. IC 33-33-2-30 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 30. (a) The Allen
 27 superior court shall be governed and operated by a board of judges
 28 composed of all the judges of the superior court. Six (6) judges are
 29 required for a quorum for conducting business and as a majority for
 30 taking action. Every two (2) years the board of judges shall elect a chief
 31 judge to carry out ministerial functions of representation as the board
 32 of judges periodically determines by a majority of the board's members.

33 (b) Matters of administration, budget, expenditures, policy, and
 34 procedure affecting the entire superior court shall be determined by a
 35 majority of the board of judges. Any determination binds the entire
 36 board of judges and each judge of the board.

37 (c) One (1) budget covering all the divisions of the superior court
 38 shall be prepared for the superior court and submitted to the ~~county~~
 39 ~~fiscal body.~~ **division of state court administration.** However, each
 40 division shall prepare its own budget as a component of the superior
 41 court's total budget.

42 SECTION 137. IC 33-33-5-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) In addition to a
 2 bailiff and an official court reporter for the court appointed under
 3 IC 33-29-1-5, the judge of the Blackford superior court may appoint a
 4 referee, commissioner, or other personnel as the judge considers
 5 necessary to facilitate and transact the business of the court. The salary
 6 of a referee, commissioner, or other person:

7 (1) shall be fixed in the same manner as the salaries of the
 8 personnel for the Blackford circuit court; and

9 (2) shall be paid ~~monthly out of the treasury of Blackford County~~
 10 as provided by law.

11 (b) Personnel appointed under this section and IC 33-29-1-5
 12 continue in office until removed by the judge of the court.

13 SECTION 138. IC 33-33-15-4, AS AMENDED BY P.L.237-2005,
 14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2008]: Sec. 4. In addition to a bailiff and an official court
 16 reporter for the court appointed under IC 33-29-1-5, each judge may
 17 appoint a referee, a commissioner, or other personnel as the judge
 18 considers necessary to facilitate and transact the business of the court.
 19 The salary of a referee, a commissioner, or other person:

20 (1) shall be fixed in the same manner as the salaries of the
 21 personnel for the Dearborn circuit court; and

22 (2) shall be paid ~~monthly out of the treasury of Dearborn County~~
 23 as provided by law.

24 Personnel appointed under this section or IC 33-29-1-5 continue in
 25 office until removed by the judge of the court for which the personnel
 26 were appointed.

27 SECTION 139. IC 33-33-18-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. In accordance with
 29 rules adopted by the judges of the Delaware circuit court under section
 30 6 of this chapter, the presiding judge shall do the following:

31 (1) Ensure that the court operates efficiently and judicially.

32 (2) Annually submit to the ~~fiscal body of Delaware County~~
 33 **division of state court administration** a budget for the court.
 34 ~~including amounts necessary for the following:~~

35 (A) ~~Operation of the Delaware circuit court's probation~~
 36 ~~department.~~

37 (B) ~~Defense of indigents.~~

38 (C) ~~Maintenance of an adequate law library.~~

39 (3) ~~Make appointments or selections required of a circuit or~~
 40 ~~superior court judge.~~

41 SECTION 140. IC 33-33-18-7 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Each judge of the

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Delaware circuit court may, subject to the budget approved for the court, ~~by the fiscal body of Delaware County~~, employ personnel necessary for the proper administration of the judge's docket.

(b) Personnel employed under this section:

(1) include court reporters, bailiffs, clerical staff, and any additional officers necessary for the proper administration of the court; and

(2) are subject to the rules concerning employment and management of court personnel adopted by the court under section 6 of this chapter.

(c) A commissioner is entitled to practice law in any division of the court in which the commissioner does not have appointive judicial authority. A commissioner has judicial authority only in the division of the court presided over by the judge who appointed the commissioner.

SECTION 141. IC 33-33-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The Delaware circuit court may appoint a court administrator subject to the budget approved for the court. ~~by the fiscal body of Delaware County.~~

(b) A court administrator appointed under this section is subject to the rules concerning employment and management of court personnel adopted by the court under section 6 of this chapter.

SECTION 142. IC 33-33-27.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The judge of the Grant superior court No. 2 shall appoint a bailiff and an official court reporter for the court, to serve at the pleasure of the court. The judge shall fix their compensation as provided by law. ~~concerning bailiffs and official court reporters. The compensation shall be paid monthly out of the treasury of Grant County.~~

SECTION 143. IC 33-33-27.3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) The judge of the court shall appoint a bailiff and an official court reporter for the court.

(b) The salaries of the bailiff and the official court reporter shall be ~~(+)~~ fixed in the same manner as the salaries of the bailiff and official court reporter for the Grant circuit court, Grant superior court, and Grant superior court No. 2. ~~and~~

~~(2) paid monthly out of the treasury of Grant County as provided by law.~~

SECTION 144. IC 33-33-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. In addition to the personnel that may be appointed under IC 33-29-1-5, the judge of each Hamilton superior court may appoint other personnel necessary to facilitate and transact the business of the court. The other necessary

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1 personnel shall serve at the pleasure of the court, and the judge shall fix
 2 their compensation within the limits and in the manner provided by law
 3 concerning other personnel of the court. The compensation shall be
 4 paid ~~monthly out of the treasury of Hamilton County~~ in the manner
 5 provided by law.

6 SECTION 145. IC 33-33-35-4 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) In addition to the
 8 personnel appointed under IC 33-29-1-5, the Huntington superior court
 9 may appoint a referee and other personnel as the court determines
 10 necessary to facilitate and transact the business of the court.

11 (b) Salaries of the personnel described in this section shall be fixed
 12 in the same manner as the salaries of the bailiff and official court
 13 reporter for the Huntington circuit court. ~~Their salaries shall be paid~~
 14 ~~out of the treasury of Huntington County as provided by law.~~

15 SECTION 146. IC 33-33-37-6 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) In addition to the
 17 personnel described in IC 33-29-1-5, the judge of the Jasper superior
 18 court No. 1 may, subject to the budget approved for the court, ~~by the~~
 19 ~~fiscal body of Jasper County~~, employ personnel necessary for the
 20 proper administration of the court.

21 (b) Personnel employed under this section:

22 (1) include court reporters, bailiffs, clerical staff, and any
 23 additional officers necessary for the proper administration of the
 24 court; and

25 (2) are subject to the rules concerning employment and
 26 management of court personnel adopted by the court under
 27 section 5 of this chapter.

28 SECTION 147. IC 33-33-45-11 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) The judge of
 30 division No. 1, division No. 2, and division No. 3 of the court may each
 31 appoint one (1) full-time magistrate under IC 33-23-5 to serve as the
 32 court requires. A magistrate appointed under this section:

33 (1) must be a resident of the county; and

34 (2) continues in office until removed by the judge that the
 35 magistrate serves.

36 (b) The appointment of a magistrate under this section must be in
 37 writing.

38 (c) The judge may specifically determine the duties of the
 39 magistrate within the limits established under IC 33-23-5.

40 (d) The county executive shall provide and maintain suitable
 41 facilities for the use of the magistrate, including necessary furniture
 42 and equipment.

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(e) The court shall employ administrative staff necessary to support the functions of the magistrates.

(f) The county fiscal body shall appropriate sufficient funds for the provision of ~~staff and~~ facilities required under this section.

(g) A magistrate is entitled to annual compensation as established under IC 33-23-5-10. The state shall pay the salary set under IC 33-23-5-10.

SECTION 148. IC 33-33-45-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) The senior judge of each division may appoint the number of bailiffs, court reporters, probation officers, and other personnel as the senior judge believes is necessary to judicially and efficiently facilitate and transact the business of the division. All appointments shall be made without regard to the political affiliation of the appointees. The salaries of the court personnel shall be fixed and paid as provided by law. The officers and persons appointed shall:

(1) perform the duties prescribed by the senior judge of each respective division; and

(2) serve at the pleasure of the senior judge.

(b) The court shall appoint an administrative officer who has the duties the court determines are necessary to ensure the efficient operation of the court. The court may appoint the number of deputy administrative officers as the court considers necessary to facilitate and transact the business of the court. Any appointment of an administrative officer or deputy administrative officer shall be made without regard to the political affiliation of the appointees. The salaries of the administrative officer and any deputy administrative officer shall be fixed by the court, to be paid ~~out of the county treasury by the county auditor, upon the order of the court, and entered of record; as~~ **provided by law**. Any administrative officer or deputy administrative officer appointed by the court shall:

(1) operate under the jurisdiction of the chief judge; and

(2) serve at the pleasure of the chief judge.

(c) The court may appoint part-time juvenile referees and magistrates as provided by IC 31-31-3.

(d) The court may appoint the number of probate commissioners provided for by IC 29-2-2. The probate commissioners shall be vested with the powers and duties provided by IC 29.

SECTION 149. IC 33-33-48-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. In addition to the personnel appointed under IC 33-29-1-5, the Madison superior court may appoint probation officers and other personnel, including an

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administrative officer, necessary to transact the business of the court. The salaries of the personnel shall be fixed and paid as provided by law. ~~However, if the salaries of any of the personnel are not provided by law, the amount and time of payment of the salaries shall be fixed by the court, to be paid out of the county treasury by the county auditor upon the order of the court, and be entered of record.~~ The officers and persons appointed shall perform duties as prescribed by the court. Personnel appointed by the court serve at the pleasure of the court.

SECTION 150. IC 33-33-53-5, AS AMENDED BY P.L.2-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

(1) Ensure that the court operates efficiently and judicially under rules adopted by the court.

(2) Annually submit to the ~~fiscal body of Monroe County~~ **division of state court administration** a budget for the court, ~~including amounts necessary for:~~

~~(A) the operation of the circuit's probation department;~~

~~(B) the defense of indigents; and~~

~~(C) maintaining an adequate law library.~~

(3) Make the appointments or selections required of a circuit or superior court judge under the following statutes:

IC 8-4-21-2

IC 11-12-2-2

IC 16-22-2-4

IC 16-22-2-11

IC 16-22-7

IC 20-23-4

IC 20-23-7-6

~~IC 20-23-7-8~~ **IC 20-23-7-8.1**

IC 20-26-7-8

IC 20-26-7-14

IC 20-47-2-15

IC 20-47-3-13

IC 36-9

IC 36-10

IC 36-12-10-10.

(4) Make appointments or selections required of a circuit or superior court judge by any other statute, if the appointment or selection is not required of the court because of an action before the court.

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1 SECTION 151. IC 33-33-53-8 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The court may
 3 appoint a court administrator subject to the budget approved for the
 4 court. ~~by the fiscal body of Monroe County.~~

5 (b) A court administrator appointed under this section is subject to
 6 the rules concerning employment and management of court personnel
 7 adopted by the court under section 6 of this chapter.

8 SECTION 152. IC 33-33-58-6 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. The judge of the
 10 Ohio and Switzerland superior court is entitled to the salary set out in
 11 IC 33-38-5. The salary shall be paid in the same manner as the salary
 12 of a circuit court judge. ~~and the part of the salary to be paid by the~~
 13 ~~counties shall be paid by Ohio and Switzerland counties in equal~~
 14 ~~amounts.~~

15 SECTION 153. IC 33-33-58-8 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The judge of the
 17 Ohio and Switzerland superior court shall appoint a bailiff and an
 18 official court reporter for the court. Their salaries shall be fixed in the
 19 same manner as the salaries of the bailiff and official court reporter for
 20 a circuit court. Their salaries shall be paid ~~monthly out of the treasuries~~
 21 ~~of Ohio and Switzerland counties~~ as provided by law.

22 SECTION 154. IC 33-33-59-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. In addition to the
 24 personnel that may be appointed under IC 33-29-1-5, the judge of the
 25 Orange superior may appoint a referee, commissioner, or other
 26 personnel as the judge considers necessary to facilitate and transact the
 27 business of the court. Their salaries must be fixed in the same manner
 28 as the salaries of the personnel for the Orange circuit court. Their
 29 salaries must be paid ~~monthly out of the treasury of Orange County~~ as
 30 provided by law. Personnel appointed under this section continue in
 31 office until removed by the judge of the court.

32 SECTION 155. IC 33-33-71-23 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. (a) The superior
 34 court, by rules duly adopted by the court, shall designate one (1) of the
 35 judges as chief judge and fix the time the chief judge presides.

36 (b) The chief judge shall be responsible for the operation and
 37 conduct of the court and to seeing that the court operates efficiently and
 38 judicially.

39 (c) The chief judge shall do the following:

40 (1) Assign cases to a judge of the court or reassign cases from one

41 (1) judge of the court to another judge of the court to ensure the
 42 efficient operation and conduct of the court.

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(2) Assign and allocate courtrooms, other rooms, and other facilities to ensure the efficient operation and conduct of the court.

(3) Annually submit to the ~~fiscal body of St. Joseph County~~ **division of state court administration** a budget for the court.

(4) Make appointments or selections on behalf of the court that are required of a superior court judge under any statute.

(5) Direct the employment and management of court personnel.

(6) Conduct cooperative efforts with other courts for establishing and administering shared programs and facilities.

SECTION 156. IC 33-33-78-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. The judge of the Ohio and Switzerland superior court is entitled to the salary set out in IC 33-38-5. The salary shall be paid in the same manner as the salary of a circuit court judge. ~~and the part of the salary to be paid by the counties shall be paid by Ohio and Switzerland counties in equal amounts.~~

SECTION 157. IC 33-33-78-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The judge of the Ohio and Switzerland superior court shall appoint a bailiff and an official court reporter for the court. Their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for a circuit court. Their salaries shall be paid ~~monthly out of the treasuries of Ohio and Switzerland counties~~ as provided by law.

SECTION 158. IC 33-33-79.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The clerk of the Tippecanoe circuit court shall be the clerk of superior court No. 2 of Tippecanoe County and the sheriff of Tippecanoe County shall be the sheriff of superior court No. 2 of Tippecanoe County. The clerk and sheriff shall attend court and discharge all the duties pertaining to their respective office as they are required to do by law with reference to the Tippecanoe circuit court.

(b) The judge of superior court No. 2 of Tippecanoe County shall appoint a bailiff and an official reporter for the court to serve during the court. The judge shall fix their compensation within the limits and in the manner provided by law concerning bailiffs and official court reporters. The compensation shall be paid ~~monthly out of the treasury of Tippecanoe County~~, in the manner provided by law.

SECTION 159. IC 33-33-79.3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. The judge of the court shall appoint a bailiff and an official court reporter for the court. Their salaries shall be fixed in the same manner as the salaries of the

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1 bailiff and official court reporter for the Tippecanoe circuit court. Their
 2 salaries shall be paid ~~monthly out of the treasury of Tippecanoe County~~
 3 as provided by law.

4 SECTION 160. IC 33-33-79.4-6 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. The judges of
 6 Tippecanoe superior court No. 4, No. 5, and No. 6:

7 (1) shall each appoint a bailiff and an official court reporter for
 8 the court; and

9 (2) may each appoint other court personnel necessary to facilitate
 10 and transact the business of the court.

11 A person appointed under this section serves at the pleasure of the
 12 judge appointing the person. Their salaries shall be fixed in the same
 13 manner as the salaries of the bailiff, official court reporter, and other
 14 personnel for the Tippecanoe circuit court. Their salaries shall be paid
 15 ~~monthly out of the treasury of Tippecanoe County~~ as provided by law.

16 SECTION 161. IC 33-33-84-9 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) The superior
 18 court may appoint commissioners, probate commissioners, referees,
 19 juvenile referees, bailiffs, court reporters, probation officers, and other
 20 personnel, including an administrative officer, as the court believes are
 21 necessary to facilitate and transact the business of the court. The
 22 salaries of the personnel shall be fixed and paid as provided by law.
 23 ~~However, if the salaries of any of the personnel are not provided by~~
 24 ~~law, the amount and time of payment of the salaries shall be fixed by~~
 25 ~~the court, to be paid out of the county treasury by the county auditor~~
 26 ~~upon the order of the court, and be entered on record.~~ The officers and
 27 persons appointed shall perform the duties as are prescribed by the
 28 court. Any ~~such~~ commissioners, probate commissioners, referees,
 29 juvenile referees, probation officers, and other personnel appointed by
 30 the court serve at the pleasure of the court.

31 (b) Any probate commissioner appointed by the court may be vested
 32 by the court with all suitable powers for the handling and management
 33 of the probate and guardianship matters of the court, including the
 34 fixing of all bonds, the auditing of accounts of estates and
 35 guardianships and trusts, acceptance of reports, accounts, and
 36 settlements filed in the court, the appointment of personal
 37 representatives, guardians, and trustees, the probating of wills, the
 38 taking and hearing of evidence on or concerning such matters, or any
 39 other probate, guardianship, or trust matters in litigation before the
 40 court, the enforcement of court rules and regulations, and making of
 41 reports to the court, including the taking and hearing of evidence
 42 together with the commissioner's findings and conclusions, under the

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1 final jurisdiction and decision of the judges of the court.

2 (c) Any juvenile referee appointed by the court may be vested by the
3 court with all suitable powers for the handling and management of the
4 juvenile matters of the court, including the fixing of bonds, the taking
5 and hearing of evidence on or concerning any juvenile matters in
6 litigation before the court, the enforcement of court rules and
7 regulations, the making of reports to the court concerning the referee's
8 doings under final jurisdiction and decision of the judges of the court.

9 (d) A probate commissioner and juvenile referee may summon
10 witnesses to testify before the commissioner and juvenile referee,
11 administer oaths, and take acknowledgments in connection with and in
12 furtherance of their duties and powers.

13 SECTION 162. IC 33-33-89-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. The judge of the
15 superior court shall appoint a bailiff and an official court reporter for
16 the court, to serve during the pleasure of the court. The judge shall fix
17 their per diem or salary within the limits and in the manner as provided
18 by law concerning bailiffs and official court reporters. The bailiff and
19 court reporter shall be paid ~~monthly out of the treasury of Wayne~~
20 ~~County~~ in the manner provided by law.

21 SECTION 163. IC 33-33-89.2-4 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The judge of the
23 Wayne superior court No. 2 shall appoint a bailiff and an official court
24 reporter for the court, to serve at the pleasure of the court. The judge
25 shall fix their compensation within the limits and in the manner as may
26 be provided by law concerning bailiffs and official court reporters. The
27 compensation shall be paid ~~monthly out of the treasury of Wayne~~
28 ~~County~~ in the manner provided by law.

29 SECTION 164. IC 33-33-89.3-6 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. The judge of the
31 court may appoint a bailiff, official court reporter, referee,
32 commissioner, and any other personnel as the judge considers
33 necessary to facilitate and transact the business of the court. The judge
34 of the court shall fix their compensation within the limits and in the
35 manner as provided by law concerning these officers and employees.
36 These personnel serve at the pleasure of the court and are paid ~~monthly~~
37 ~~in the manner of payment for officers and employees of Wayne circuit~~
38 ~~court and Wayne superior courts No. 1 and No. 2: provided by law.~~

39 SECTION 165. IC 33-33-92-4 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) ~~If the Whitley~~
41 ~~county executive establishes the position of small claims referee to~~
42 ~~serve the Whitley superior court,~~ The judge of the Whitley superior

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1 court may appoint a part-time small claims referee under IC 33-29-3 to
2 assist the court in the exercise of its small claims jurisdiction.

3 (b) The small claims referee is entitled to reasonable compensation
4 not exceeding twenty thousand dollars (\$20,000) as recommended by
5 the judge of the Whitley superior court to be paid by the ~~county~~ after
6 ~~the compensation is approved by the county fiscal body. The state. shall~~
7 ~~pay fifty percent (50%) of the salary set under this subsection and the~~
8 ~~county shall pay the remainder of the salary.~~

9 (c) The Whitley County executive shall provide and maintain a
10 suitable courtroom and facilities for the use of the small claims referee,
11 including furniture and equipment, as necessary.

12 (d) The Whitley superior court shall employ administrative staff
13 necessary to support the functions of the small claims referee.

14 (e) The county fiscal body shall appropriate sufficient funds for the
15 provision of ~~staff and~~ facilities required under this section.

16 SECTION 166. IC 33-37-4-8, AS AMENDED BY P.L.1-2007,
17 SECTION 221, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) This section applies in all
19 actions listed in sections 4, 6, and 7 of this chapter.

20 (b) In an action in which there has been or will be a change of venue
21 or transfer from one (1) county to another, the clerk of the court from
22 which the action is transferred shall collect from the party seeking
23 change of venue a fee equal to that required by sections 4, 6, and 7 of
24 this chapter. ~~The clerk of the transferring court shall forward the fee~~
25 ~~collected under this section to the clerk of the court to which the action~~
26 ~~is transferred.~~

27 SECTION 167. IC 33-37-5-11 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) This section
29 applies to an action in a circuit court in a county that has established a
30 program under IC 9-30-9.

31 (b) The ~~probation department clerk~~ shall collect an alcohol abuse
32 deterrent program fee and a medical fee set by the court under
33 IC 9-30-9-8 and deposit the fee into the ~~supplemental adult probation~~
34 ~~services fund~~ **county alcohol abuse deterrent fund.**

35 SECTION 168. IC 33-37-5-19 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. ~~(a)~~ The clerk shall
37 collect a jury fee of two dollars (\$2) in each action in which a
38 defendant is found to have committed a crime, violated a statute
39 defining an infraction, or violated an ordinance of a municipal
40 corporation.

41 ~~(b) The fee collected under this section shall be deposited into the~~
42 ~~county user fee fund established by IC 33-37-8-5.~~

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SECTION 169. IC 33-37-7-12, AS AMENDED BY P.L.1-2006,
SECTION 513, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2008]: Sec. 12. (a) Except:

(1) for the state share prescribed by section 2 of this chapter for
semiannual distribution; and

(2) as provided under section 2(g) of this chapter, IC 33-32-4-6,
and IC 33-37-5-2;

not later than thirty (30) days after the clerk collects a fee, the clerk
shall forward the fee to the county auditor if the clerk is a clerk of a
circuit court, and to the city or town fiscal officer if the clerk is the
clerk of a city or town court.

(b) If part of the fee is collected on behalf of another person for
service as a juror or witness, the ~~county auditor~~ **division of state court
administration** or city or town fiscal officer shall forward that part of
the fee to the person not later than forty-five (45) days after the ~~auditor~~
division of state court administration or fiscal officer receives the
claim for the fee.

(c) Except for amounts deposited in a user fee fund established
under IC 33-37-8, the county auditor shall distribute fees received from
the clerk to the following:

(1) The county treasurer for deposit in the county general fund, if
the fee belongs to the county.

(2) The fiscal officer of a city or town, if the fee belongs to the
city or town under section 6 of this chapter.

(d) Except for amounts deposited in a user fee fund established
under IC 33-37-8, the city or town fiscal officer shall deposit all fees
received from a clerk in the city's or town's treasury.

(e) The clerk shall forward the state share of each fee to the state
treasury at the clerk's semiannual settlement for state revenue.

SECTION 170. IC 33-37-10-1, AS AMENDED BY P.L.118-2007,
SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2008]: Sec. 1. (a) A juror of a circuit, superior, county, or
probate court or a member of a grand jury is entitled to the sum of the
following:

(1) Except as provided in subsection ~~(f)~~, **(e)**, an amount for
mileage at the mileage rate paid to state officers and employees
for each mile necessarily traveled to and from the court.

(2) Payment at the rate of:

**(A) in a county that did not have an ordinance to pay a
supplemental fee to jurors from county funds in effect on
November 1, 2008:**

(i) fifteen dollars (\$15) for each day the juror is in actual

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attendance in court until the jury is impaneled; and
~~(B)~~ (ii) forty dollars (\$40) for each day the juror is in actual
attendance after impaneling and until the jury is discharged;
or

(B) in a county that had an ordinance to pay a
supplemental fee to jurors from county funds in effect on
November 1, 2008:

(i) fifteen dollars (\$15) plus the amount of the adopted
supplemental fee to jurors from county funds for each
day the juror is in actual attendance in court until the
jury is impaneled; and

(ii) forty dollars (\$40) plus the amount of the adopted
supplemental fee to jurors from county funds for each
day the juror is in actual attendance after impaneling
and until the jury is discharged.

~~(b)~~ A county fiscal body may adopt an ordinance to pay from county
funds a supplemental fee in addition to the fees prescribed by
subsection ~~(a)(2)~~:

~~(c)~~ (b) A juror of a city or town court is entitled to the sum of the
following:

(1) Except as provided in subsection ~~(f)~~, (e), an amount for
mileage at the mileage rate paid to state officers and employees
for each mile necessarily traveled to and from the court.

(2) Fifteen dollars (\$15) per day while the juror is in actual
attendance.

~~(d)~~ (c) A city or town fiscal body may adopt an ordinance to pay
from city or town funds a supplemental fee in addition to the fee
prescribed by subsection ~~(c)(2)~~: (b)(2).

~~(e)~~ (d) For purposes of this section, a prospective juror who is
summoned for jury duty and who reports to the summoning court on
the day specified in the summons is in actual attendance on that day.

~~(f)~~ (e) A county, city, or town fiscal body may adopt an ordinance
providing for the payment by the county, city, or town of the parking
fees incurred by jurors of circuit, superior, county, and probate courts
and members of grand juries. If a county, city, or town fiscal body
adopts an ordinance under this subsection, the county, city, or town
may pay the parking fees incurred by a juror of a circuit, superior,
county, or probate court or a member of a grand jury instead of paying
the juror or grand jury member an amount for mileage at the rate
provided in subsection (a)(1) or ~~(c)(1)~~: (b)(1).

SECTION 171. IC 33-37-10-4 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The clerk shall

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note witness and juror fees when the fees are claimed and forward the claims to the county auditor or city or town fiscal officer.

(b) The clerk is not entitled to a fee for providing an affidavit or other proof of attendance to a juror or witness.

(c) The county auditor or city or town fiscal officer shall disburse juror or witness fees claimed under this section as provided in IC 33-37-7-12.

(d) The county auditor or city or town fiscal officer shall forward to the division of state court administration a claim for all jury or witness fees disbursed in the preceding quarter. The division of state court administration shall reimburse the county auditor or town fiscal officer for the cost of jury and witness fees disbursed in the preceding quarter.

SECTION 172. IC 33-38-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. The judge of the circuit, superior, ~~criminal~~, probate, and ~~juvenile~~ county courts in each county having a population of at least thirty-five thousand (35,000) shall appoint a bailiff and may appoint a riding bailiff for the judge's court. ~~whose per diem shall be fixed by the court to be paid from the county treasury.~~

SECTION 173. IC 33-38-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. In counties having a population of less than thirty-five thousand (35,000), the judge of the circuit court may appoint a bailiff **to serve the courts in a county.** However, if a bailiff is not appointed, the sheriff of the county shall perform the duties of the bailiff.

SECTION 174. IC 33-38-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. A temporary judge is entitled to twenty-five dollars (\$25), paid by the ~~county~~ **state**, for each day of service as a temporary judge.

SECTION 175. IC 33-41-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) To facilitate and expedite the trial of causes, the judge of each circuit, superior, probate, and ~~juvenile~~ county court of each county shall appoint an official reporter.

(b) The official reporter shall, when required by the recorder's appointing judge, do the following:

- (1) Be promptly present in the appointing judge's court.
- (2) Record the oral evidence given in all causes by any approved method, including both questions and answers.
- (3) Note all rulings of the judge concerning the admission and rejection of evidence and the objections and exceptions to the

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admission and rejection of evidence.

(4) Write out the instructions of the court in jury trials.

(c) In counties in which the circuit, **superior**, or probate court sits as a juvenile court, the official reporter of the circuit court, **superior court**, or probate court, as the case may be,

(1) shall report the proceedings of the juvenile court as part of the reporter's duties as reporter of the circuit, **superior**, or probate court. and

(2) except as provided in subsection (d), may not receive additional compensation for the reporter's services for reporting the proceedings of the juvenile court.

(d) In counties in which a circuit court has juvenile jurisdiction and where there is a juvenile referee and the circuit judge is the judge of the juvenile court, the salary of the juvenile court reporter is one hundred twenty-five dollars (\$125) per month in addition to any compensation the reporter receives as reporter of the circuit court.

(e) The official reporters of juvenile courts shall:

(1) be paid the same amount for their services and in the same manner;

(2) have the same duties; and

(3) be subject to the same restrictions;

as is provided for by law for the official reporters of the other courts. However, in a county having a population of more than two hundred fifty thousand (250,000); the judge of the juvenile court may appoint court reporters as necessary for compliance with the law in regard to the reporting of cases and facilitating and expediting the trial of causes; each of whom is entitled to receive a salary of at least three hundred dollars (\$300) per month.

SECTION 176. IC 33-37-5-30 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 30. (a) This section applies to a probation officer serving a circuit, superior, probate, or county court.**

(b) A probation officer shall transfer to the clerk a probation user fee collected under any of the following:

(1) IC 31-40-2.

(2) IC 35-38-2.

SECTION 177. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 31. (a) This section applies to a probation officer serving a circuit, superior, probate, or county court if a community corrections program does not operate the**

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home detention program.

(b) A probation officer shall transfer to the clerk a home detention fee collected under IC 35-38-2.5.

SECTION 178. IC 33-37-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 32. The clerk shall collect a guardian ad litem or court appointed special advocate user fee ordered under IC 31-15-6-11, IC 31-17-6-9, or IC 31-40-3-1.**

SECTION 179. IC 33-37-5-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 33. The clerk shall collect an amount ordered under IC 33-40-3-6 (reimbursement for court appointed legal services) or IC 33-37-2-3 (costs of representation).**

SECTION 180. IC 33-37-7-2, AS AMENDED BY P.L.174-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund ~~seventy percent (70%)~~ **ninety-seven percent (97%)** of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) ~~IC 33-37-5-17 (deferred prosecution fees);~~

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected

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under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 4-23-25-11(i) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

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(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund ~~one hundred percent (100%)~~ of the following:

(1) **One hundred percent (100%) of the public defense administration fee collected under IC 33-37-5-21.2.**

(2) **One hundred percent (100%) of the judicial salaries fees collected under IC 33-37-5-26.**

(3) **One hundred percent (100%) of the DNA sample processing fees collected under IC 33-37-5-26.2.**

(4) **One hundred percent (100%) of the court administration fees collected under IC 33-37-5-27.**

(5) **Seventy percent (70%) of the deferred prosecution fees collected under IC 33-37-5-17.**

(6) **One hundred percent (100%) of the jury fees collected under IC 33-37-5-19.**

(7) **One hundred percent (100%) of the probation user fees collected under IC 35-38-2 or IC 31-40-2.**

(8) **One hundred percent (100%) of the home detention fees collected under IC 35-38-2.5.**

(9) **One hundred percent (100%) of the informal adjustment program fees collected under IC 31-34-8-8.**

(10) **One hundred percent (100%) of the pretrial services fee collected under IC 35-33-8-3.3.**

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment

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1 account established by IC 33-38-5-8.2 one hundred percent (100%) of
2 the judicial insurance adjustment fee collected under IC 33-37-5-25.

3 (k) The proceeds of the service fee collected under
4 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
5 follows:

6 (1) The clerk shall distribute one hundred percent (100%) of the
7 service fees collected in a circuit, superior, county, or probate
8 court to the county auditor for deposit in the county general fund.

9 (2) The clerk shall distribute one hundred percent (100%) of the
10 service fees collected in a city or town court to the city or town
11 fiscal officer for deposit in the city or town general fund.

12 (l) The proceeds of the garnishee service fee collected under
13 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
14 follows:

15 (1) The clerk shall distribute one hundred percent (100%) of the
16 garnishee service fees collected in a circuit, superior, county, or
17 probate court to the county auditor for deposit in the county
18 general fund.

19 (2) The clerk shall distribute one hundred percent (100%) of the
20 garnishee service fees collected in a city or town court to the city
21 or town fiscal officer for deposit in the city or town general fund.

22 SECTION 181. IC 33-37-7-4 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. ~~(a)~~ The clerk of a
24 circuit court shall forward the county share of fees collected to the
25 county auditor in accordance with IC 33-37-7-12(a). The auditor shall
26 retain as the county share twenty-seven percent (27%) of the amount
27 of fees collected under the following:

28 ~~(1) IC 33-37-4-1(a) (criminal costs fees):~~

29 ~~(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees):~~

30 ~~(3) IC 33-37-4-3(a) (juvenile costs fees):~~

31 ~~(4) IC 33-37-4-4(a) (civil costs fees):~~

32 ~~(5) IC 33-37-4-6(a)(1) (small claims costs fees):~~

33 ~~(6) IC 33-37-4-7(a) (probate costs fees):~~

34 ~~(7) IC 33-37-5-17 (deferred prosecution fees).~~

35 ~~(b) This section applies after June 30, 2005.~~

36 SECTION 182. IC 33-37-7-8, AS AMENDED BY P.L.224-2007,
37 SECTION 120, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The clerk of a city or town
39 court shall distribute semiannually to the auditor of state as the state
40 share for deposit in the state general fund ~~fifty-five percent (55%)~~
41 **seventy-five percent (75%)** of the amount of fees collected under the
42 following:

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- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- ~~(5) IC 33-37-5-17 (deferred prosecution fees).~~

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- ~~(1) IC 33-37-4-1(a) (criminal costs fees).~~
- ~~(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).~~
- ~~(3) IC 33-37-4-4(a) (civil costs fees).~~
- ~~(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).~~
- ~~(5) IC 33-37-5-17 (deferred prosecution fees).~~

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug

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1 countermeasures fees collected under IC 33-37-4-1(b)(6),
 2 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 3 The county auditor shall deposit fees distributed by a clerk under this
 4 subsection into the county drug free community fund established under
 5 IC 5-2-11.

6 (f) The clerk of a city or town court shall distribute monthly to the
 7 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
 8 percent (100%) of the following:

9 (1) The late payment fees collected under IC 33-37-5-22.

10 (2) The small claims service fee collected under
 11 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

12 (3) The small claims garnishee service fee collected under
 13 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

14 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
 15 fees distributed by a clerk under this subsection in the city or town
 16 general fund.

17 (g) The clerk of a city or town court shall semiannually distribute to
 18 the auditor of state for deposit in the state general fund one hundred
 19 percent (100%) of the following:

20 (1) The public defense administration fee collected under
 21 IC 33-37-5-21.2.

22 (2) The DNA sample processing fees collected under
 23 IC 33-37-5-26.2.

24 (3) The court administration fees collected under IC 33-37-5-27.

25 (h) The clerk of a city or town court shall semiannually distribute to
 26 the auditor of state for deposit in the judicial branch insurance
 27 adjustment account established by IC 33-38-5-8.2 one hundred percent
 28 (100%) of the judicial insurance adjustment fee collected under
 29 IC 33-37-5-25.

30 (i) The clerk of a city or town court shall semiannually distribute to
 31 the auditor of state for deposit in the state general fund **the following:**

32 **(1) Seventy-five percent (75%) of the judicial salaries fee**
 33 **collected under IC 33-37-5-26.**

34 **(2) Fifty-five percent (55%) of the deferred prosecution fees**
 35 **collected under IC 33-37-5-17.**

36 **(3) One hundred percent (100%) of the jury fees collected**
 37 **under IC 33-37-5-19.**

38 **(4) Two dollars (\$2) for each of the following fees collected**
 39 **under IC 33-37-4-2(e):**

40 **(A) Each initial user's fee.**

41 **(B) Each monthly user's fee.**

42 The city or town fiscal officer shall retain twenty-five percent (25%) of

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the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

SECTION 183. IC 33-37-8-5, AS AMENDED BY P.L.60-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A county user fee fund is established in each county to finance various program services. The county fund is administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article: ~~and by the probation department for the juvenile court under IC 31-34-8-8 or IC 31-37-9-9:~~

(1) The pretrial diversion program fee.

~~(2) The informal adjustment program fee.~~

~~(3) (2) The marijuana eradication program fee.~~

~~(4) (3) The alcohol and drug services program fee.~~

~~(5) (4) The law enforcement continuing education program fee.~~

~~(6) (5) The deferral program fee.~~

~~(7) The jury fee.~~

~~(8) (6) The drug court fee.~~

~~(9) (7) The reentry court fee.~~

~~(c) All of the jury fee and two dollars (\$2) of a deferral program fee collected under IC 33-37-4-2(c) shall be deposited by the county auditor in the jury pay fund established under IC 33-37-11.~~

SECTION 184. IC 33-45 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

ARTICLE 45. PROBATION OFFICERS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Handgun" has the meaning set forth in IC 35-47-1-6.

Sec. 3. "Juvenile court" has the meaning set forth in IC 31-9-2-70.

Sec. 4. "Juvenile law" has the meaning set forth in IC 31-9-2-72.

Chapter 2. Chief Probation Officer

Sec. 1. A court, or two (2) or more courts acting jointly, may designate a probation officer to direct and supervise the work of the probation department.

Sec. 2. The judge of the juvenile court shall appoint a chief probation officer.

Sec. 3. The chief probation officer of a juvenile court, under the direction of the juvenile court, shall supervise the work of the

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1 probation department.

2 **Chapter 3. Probation Officers**

3 **Sec. 1.** A court or division of a court authorized to impose
4 probation shall appoint one (1) or more probation officers,
5 depending on the needs of the court, except that two (2) or more
6 divisions within a court, two (2) or more courts within a county, or
7 two (2) or more courts not in the same county may jointly appoint
8 and employ one (1) or more probation officers for the purpose of
9 meeting the needs of the courts.

10 **Sec. 2. (a)** This section does not apply to a person certified as a
11 qualified probation officer before January 1, 2009.

12 **(b)** A person may be appointed as a probation officer after
13 December 31, 2008, only if that person meets the minimum
14 employment qualifications adopted by the supreme court.

15 **(c)** An uncertified person appointed as a probation officer after
16 December 31, 2008, who fails to successfully complete a written
17 examination established by the supreme court not later than six (6)
18 months after the date of the person's appointment is prohibited
19 from exercising the powers of a probation officer as granted by
20 law.

21 **Sec. 3.** Probation officers serve at the pleasure of the appointing
22 court.

23 **Sec. 4.** The amount and time of payment of salaries of city court
24 probation officers shall be fixed by the court consistent with the
25 rules of the supreme court to be paid out of the city treasury by the
26 city controller. City court probation officers are entitled to their
27 actual expenses necessarily incurred in the performance of their
28 duties.

29 **Sec. 5.** If directed by the appointing court, a probation officer
30 shall give a bond in a sum to be fixed by the court.

31 **Chapter 4. Probation Staff**

32 **Sec. 1.** The courts authorized to appoint probation officers shall
33 appoint administrative personnel needed to properly discharge the
34 probation function. A judge of a juvenile court may appoint an
35 appropriate number of other employees to assist the juvenile
36 probation department.

37 **Sec. 2.** These personnel serve at the pleasure of the appointing
38 court.

39 **Sec. 3.** The amount and time of payment of salaries of
40 administrative personnel in a city or town court shall be fixed by
41 the court to be paid out of the city treasury by the city controller.

42 **Chapter 5. General Powers and Duties**

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1 **Sec. 1. A probation officer is directly responsible to and subject**
2 **to the orders of the court appointing the probation officer.**

3 **Sec. 2. A probation officer may:**

4 (1) **visit and confer with any person under investigation or**
5 **under the probation officer's supervision;**

6 (2) **exercise those powers necessary to carry out the probation**
7 **officer's duties; and**

8 (3) **act as a parole officer for the department of correction**
9 **when requested by the department of correction and when the**
10 **request is approved by the court.**

11 **Sec. 3. A probation officer may not carry a handgun while**
12 **acting in the scope of employment as a probation officer unless all**
13 **of the following conditions are met:**

14 (1) **The appointing court enters an order authorizing the**
15 **probation officer to carry the handgun while on duty.**

16 (2) **The probation officer is issued a license to carry the**
17 **handgun under IC 35-47-2.**

18 (3) **The probation officer successfully completes a handgun**
19 **safety course certified by the law enforcement training board**
20 **under IC 5-2-1-9(m).**

21 **Sec. 4. A probation officer shall do the following:**

22 (1) **Conduct prehearing and presentence investigations and**
23 **prepare reports as required by law.**

24 (2) **Assist the courts in making pretrial release decisions.**

25 (3) **Assist the courts, prosecuting attorneys, and other law**
26 **enforcement officials in making decisions regarding the**
27 **diversion of charged individuals to appropriate noncriminal**
28 **alternatives.**

29 (4) **Furnish each person placed on probation under the**
30 **officer's supervision with a written statement of the conditions**
31 **of probation and instruct the person regarding those**
32 **conditions.**

33 (5) **Supervise and assist persons on probation consistent with**
34 **conditions of probation imposed by the court.**

35 (6) **Bring to the court's attention any modification in the**
36 **conditions of probation considered advisable.**

37 (7) **Notify the court when a violation of a condition of**
38 **probation occurs.**

39 (8) **Cooperate with public and private agencies and other**
40 **persons concerned with the treatment or welfare of persons**
41 **on probation and assist them in obtaining services from those**
42 **agencies and persons.**

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(9) Keep accurate records of cases investigated by the probation officer and of all cases assigned to the officer by the court and make these records available to the court upon request.

(10) Collect and disburse money from persons under the probation officer's supervision according to the order of the court and keep accurate and complete accounts of those collections and disbursements.

(11) Assist the court in transferring supervision of a person on probation to a court in another jurisdiction.

(12) Perform other duties required by law or as directed by the court.

Sec. 5. IC 34-13-3 applies whenever:

(1) a governmental entity or its employee is sued for civil damages; and

(2) the civil action arises out of an act within the scope of a probation officer's employment or duties.

Chapter 6. Juvenile Probation Departments

Sec. 1. The judge of a juvenile court shall appoint probation officers and an appropriate number of other employees to assist the probation department.

Sec. 2. A probation officer shall, to carry out the juvenile law, do the following:

(1) Conduct the investigations and prepare the reports and recommendations that the court directs and keep a written record of those investigations, reports, and recommendations.

(2) Receive and examine complaints and allegations concerning matters covered by the juvenile law and make preliminary inquiries and investigations.

(3) Implement informal adjustments with the approval of the court.

(4) Prepare and submit the predisposition report required for a dispositional hearing under the juvenile law.

(5) Supervise and assist by all suitable methods a child placed on probation or in the probation officer's care by order of the court or other legal authority.

(6) Keep complete records of the probation officer's work and comply with any order of the court concerning the collection, protection, and distribution of any money or other property coming into the probation officer's hands.

(7) With the cooperation and assistance of the county office of family and children, prepare and monitor performance of any

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case plan and ensure compliance with all other procedures, as necessary or appropriate to satisfy the requirements of Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.) and applicable federal regulations for federal financial participation in the payment of the cost of services provided to an eligible child.

(8) Perform the other functions that are designated by the juvenile law or by the court in accordance with the juvenile law.

Sec. 3. Except for carrying a handgun if authorized, a probation officer does not have the powers of a law enforcement officer.

Chapter 7. Duties; Judicial Conference of Indiana

Sec. 1. The judicial conference of Indiana shall do the following:

- (1) Keep informed of the work of all probation departments.
- (2) Inform courts and probation departments of legislation concerning probation and of other developments in probation.
- (3) Submit to the general assembly before January 15 of each year the report prepared by the division of state court administration containing statistical and other information relating to probation.

Sec. 2. The judicial conference of Indiana may do the following:

- (1) Visit and inspect any probation department and confer with probation officers and judges administering probation.
- (2) Under rules adopted by the supreme court, require probation departments to submit periodic reports of their work on forms furnished by the conference.

Sec. 3. The judicial conference of Indiana may arrange conferences or workshops for probation officers and judges administering probation in order to enhance knowledge about and improve the delivery of probation services. The expenses of probation officers and judges incurred in attending these conferences or workshops shall be paid in the same manner as other expenses are paid in the courts in which they serve.

Sec. 4. The judicial conference of Indiana shall provide probation departments with training and technical assistance for:

- (1) the implementation and management of probation case classification; and
- (2) the development and use of workload information.

Sec. 5. The judicial conference of Indiana shall, in cooperation with the division of family resources, the department of child services, and the department of education, provide probation departments with training and technical assistance relating to

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special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

- (1) Eligibility standards.
- (2) Testing requirements and procedures.
- (3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.
- (4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.
- (5) Development and implementation of individual education programs for eligible children:
 - (A) in accordance with applicable requirements of state and federal laws and rules; and
 - (B) in coordination with:
 - (i) individual case plans; and
 - (ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.
- (6) Sources of federal, state, and local funding that are or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37. Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

Sec. 6. The judicial conference of Indiana shall make recommendations to courts and probation departments concerning the following:

- (1) Selection, training, distribution, and removal of probation officers.
- (2) Methods and procedures for the administration of probation, including investigation, supervision, workloads, recordkeeping, and reporting.
- (3) Use of citizen volunteers and public and private agencies.

Sec. 7. There is established within the judicial conference of Indiana a probation standards and practices advisory committee, consisting of the following ten (10) members, not more than five (5) of whom may be affiliated with the same political party:

- (1) The chief justice of the supreme court or the chief justice's designee, who shall serve as chair of the committee.

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(2) The commissioner or the commissioner's designee.

(3) One (1) judge of a circuit or superior court having criminal jurisdiction.

(4) One (1) judge of a county or municipal court having criminal jurisdiction.

(5) One (1) judge of a circuit or superior court having juvenile jurisdiction.

(6) One (1) supervising probation officer.

(7) Two (2) probation officers, one (1) whose primary responsibility is adult supervision and one (1) whose primary responsibility is juvenile supervision.

(8) Two (2) lay persons.

Sec. 8. (a) Other than the commissioner and the chief justice, who shall serve by virtue of their offices, or their designees, members of the probation standards and practices advisory committee shall be appointed by the governor. All appointments shall be made for terms of four (4) years or while maintaining the position held at the time of appointment to the committee, whichever is the lesser period. Appointees shall serve as members of the committee only while holding the office or position held at the time of appointment.

(b) Vacancies on the committee caused by resignation, death, or removal shall be filled for the unexpired term of the member succeeded in the same manner as the original appointment. Members may be reappointed for additional terms. The appointed members of the committee may be removed by the governor for cause after an opportunity to be heard by the governor upon due notice.

(c) Each appointed member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) for each day engaged in the official business of the committee. In addition, each member is entitled to reimbursement for traveling and other expenses as provided in the travel policies and procedures established by the Indiana department of administration and approved by the budget agency. The committee shall meet at least three (3) times a year and at other times at the call of the chair. The chair shall call the organizational meeting of the committee within thirty (30) days after the last initial appointment to the committee has been made by the governor. For purposes of transacting business, a majority of the membership constitutes a quorum.

Sec. 9. The judicial conference of Indiana may delegate any of the functions described in this chapter to the judicial center.

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1 **Sec. 10. (a) Every probation department shall annually compile**
 2 **and make available to the judicial conference of Indiana upon**
 3 **request accurate statistical information pertaining to its operation,**
 4 **including the following:**

- 5 (1) **Presentence and predisposition reports prepared.**
- 6 (2) **Investigations and reports regarding cases assigned to the**
 7 **probation department and disposed of before trial.**
- 8 (3) **Cases disposed of by termination of supervision, including**
 9 **revocation of probation.**
- 10 (4) **That probation department's operational costs, including**
 11 **salaries of probation officers and administrative personnel.**
- 12 (5) **Persons employed.**

13 **(b) Before January 5 of each year, each probation department**
 14 **shall send to the judicial conference of Indiana the following**
 15 **statistical information concerning home detention for the**
 16 **preceding calendar year:**

- 17 (1) **The number of persons supervised by the department or**
 18 **by a community corrections program who were placed in**
 19 **home detention under IC 35-38-2.5.**
- 20 (2) **The number of persons supervised by the department or**
 21 **by a community corrections program who successfully**
 22 **completed a period of home detention ordered under**
 23 **IC 35-38-2.5.**
- 24 (3) **The number of persons supervised by the department or**
 25 **by a community corrections program who failed to complete**
 26 **a period of home detention ordered under IC 35-38-2.5 and a**
 27 **description of the subsequent disposition for those persons.**
- 28 (4) **For each person under home detention supervised by the**
 29 **department or by a community corrections program, a**
 30 **description of the most serious offense for which the person**
 31 **was convicted, resulting in a sentence that included a period**
 32 **of home detention ordered as a condition of probation.**
- 33 (5) **The amount of home detention user fees collected by the**
 34 **department under IC 35-38-2.5.**
- 35 (6) **The amount of home detention user fees deposited into the**
 36 **community corrections home detention fund for the county in**
 37 **which the department is located.**
- 38 (7) **The average expense per person placed in home detention**
 39 **supervised by the department with a monitoring device.**
- 40 (8) **The average expense per person placed in home detention**
 41 **supervised by the department without a monitoring device.**

42 **Chapter 8. Supreme Court Rules**

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1 **Sec. 1. The supreme court may adopt rules consistent with this**
 2 **chapter, prescribing minimum standards concerning the following:**

3 **(1) Educational and occupational qualifications for**
 4 **employment as a probation officer.**

5 **(2) Compensation of probation officers.**

6 **(3) Protection of probation records and disclosure of**
 7 **information contained in those records.**

8 **(4) Presentence investigation reports.**

9 SECTION 185. IC 34-30-2-58 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 58. IC 15-3-4-2
 11 (Concerning township trustees, **counties**, or persons hired by them for
 12 the removal of detrimental plants upon another person's real property).

13 SECTION 186. IC 35-33-8-3.3, AS ADDED BY P.L.173-2006,
 14 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2008]: Sec. 3.3. (a) This section does not apply to a defendant
 16 charged in a city or town court.

17 (b) If a defendant who has a prior unrelated conviction for any
 18 offense is charged with a new offense and placed under the supervision
 19 of a probation officer or pretrial services agency, the court may order
 20 the defendant to pay the pretrial services fee prescribed under
 21 subsection (e) if:

22 (1) the defendant has the financial ability to pay the fee; and

23 (2) the court finds by clear and convincing evidence that
 24 supervision by a probation officer or pretrial services agency is
 25 necessary to ensure the:

26 (A) defendant's appearance in court; or

27 (B) physical safety of the community or of another person.

28 (c) If a clerk of a court collects a pretrial services fee, the clerk may
 29 retain not more than three percent (3%) of the fee to defray the
 30 administrative costs of collecting the fee. The clerk shall deposit
 31 amounts retained under this subsection in the clerk's record
 32 perpetuation fund established under IC 33-37-5-2.

33 (d) If a clerk of a court collects a pretrial services fee from a
 34 defendant, upon request of the county auditor, the clerk shall transfer
 35 not more than three percent (3%) of the fee to the county auditor for
 36 deposit in the county general fund.

37 (e) The court may order a defendant who is supervised by a
 38 probation officer or pretrial services agency and charged with an
 39 offense to pay:

40 (1) an initial pretrial services fee of at least twenty-five dollars
 41 (\$25) and not more than one hundred dollars (\$100);

42 (2) a monthly pretrial services fee of at least fifteen dollars (\$15)

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and not more than thirty dollars (\$30) for each month the defendant remains on bail and under the supervision of a probation officer or pretrial services agency; and

(3) an administrative fee of one hundred dollars (\$100); to the probation department, pretrial services agency, or clerk of the court if the defendant meets the conditions set forth in subsection (b).

(f) The probation department, pretrial services agency, or clerk of the court shall collect the administrative fee under subsection (e)(3) before collecting any other fee under subsection (e). Except for the money described in subsections (c) and (d), all money collected by the probation department, pretrial services agency, or clerk of the court under this section shall be transferred to the county treasurer, who shall deposit fifty percent (50%) of the money into the county supplemental adult probation services fund and fifty percent (50%) of the money into the county supplemental public defender services fund (IC 33-40-3-1). The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund:

(1) to the county, superior, or circuit court of the county that provides probation services or pretrial services to adults to supplement adult probation services or pretrial services; and

(2) to supplement the salary of:

(A) an employee of a pretrial services agency; or

(B) a probation officer in accordance with the schedule adopted by the county fiscal body under IC 36-2-16.5.

(g) The county supplemental adult probation services fund may be used only to supplement adult probation services or pretrial services and to supplement salaries for probation officers or employees of a pretrial services agency. A supplemental probation services fund may not be used to replace other probation services or pretrial services funding. Any money remaining in the fund at the end of a fiscal year does not revert to any other fund but continues in the county supplemental adult probation services fund.

(h) A defendant who is charged with more than one (1) offense and who is supervised by the probation department or pretrial services agency as a condition of bail may not be required to pay more than:

(1) one (1) initial pretrial services fee; and

(2) one (1) monthly pretrial services fee per month.

(i) A probation department or pretrial services agency may petition a court to:

(1) impose a pretrial services fee on a defendant; or

(2) increase a defendant's pretrial services fee;

if the financial ability of the defendant to pay a pretrial services fee

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changes while the defendant is on bail and supervised by a probation officer or pretrial services agency.

(j) An order to pay a pretrial services fee under this section:

(1) is a judgment lien that, upon the defendant's conviction:

(A) attaches to the property of the defendant;

(B) may be perfected;

(C) may be enforced to satisfy any payment that is delinquent under this section; and

(D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the disposition of charges against the defendant or by the completion of a sentence, if any, imposed on the defendant;

(3) is not discharged by the liquidation of a defendant's estate by a receiver under IC 32-30-5; and

(4) is immediately terminated if a defendant is acquitted or if charges against the defendant are dropped.

(k) If a court orders a defendant to pay a pretrial services fee, the court may, upon the defendant's conviction, enforce the order by garnishing the wages, salary, and other income earned by the defendant.

(l) If a defendant is delinquent in paying the defendant's pretrial services fee and has never been issued a driver's license or permit, upon the defendant's conviction, the court may order the bureau of motor vehicles to not issue a driver's license or permit to the defendant until the defendant has paid the defendant's delinquent pretrial services fee. If a defendant is delinquent in paying the defendant's pretrial services fee and the defendant's driver's license or permit has been suspended or revoked, the court may order the bureau of motor vehicles to not reinstate the defendant's driver's license or permit until the defendant has paid the defendant's delinquent pretrial services fee.

(m) In addition to other methods of payment allowed by law, a probation department or pretrial services agency may accept payment of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)). The liability for payment is not discharged until the probation department or pretrial services agency receives payment or credit from the institution responsible for making the payment or credit.

(n) The probation department or pretrial services agency may contract with a bank or credit card vendor for acceptance of a bank or credit card. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or pretrial services

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1 SECTION 186. IC 35-33-8-3.3, AS ADDED BY P.L.173-2006,
 2 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2008]: Sec. 3.3. (a) This section does not apply to a defendant
 4 charged in a city or town court.

5 (b) If a defendant who has a prior unrelated conviction for any
 6 offense is charged with a new offense and placed under the supervision
 7 of a probation officer or pretrial services agency, the court may order
 8 the defendant to pay the pretrial services fee prescribed under
 9 subsection (e) if:

10 (1) the defendant has the financial ability to pay the fee; and

11 (2) the court finds by clear and convincing evidence that
 12 supervision by a probation officer or pretrial services agency is
 13 necessary to ensure the:

14 (A) defendant's appearance in court; or

15 (B) physical safety of the community or of another person.

16 (c) If a clerk of a court collects a pretrial services fee, the clerk may
 17 retain not more than three percent (3%) of the fee to defray the
 18 administrative costs of collecting the fee. The clerk shall deposit
 19 amounts retained under this subsection in the clerk's record
 20 perpetuation fund established under IC 33-37-5-2.

21 (d) If a clerk of a court collects a pretrial services fee from a
 22 defendant, upon request of the county auditor, the clerk shall transfer
 23 not more than three percent (3%) of the fee to the county auditor for
 24 deposit in the county general fund.

25 (e) The court may order a defendant who is supervised by a
 26 probation officer or pretrial services agency and charged with an
 27 offense to pay:

28 (1) an initial pretrial services fee of at least twenty-five dollars
 29 (\$25) and not more than one hundred dollars (\$100);

30 (2) a monthly pretrial services fee of at least fifteen dollars (\$15)
 31 and not more than thirty dollars (\$30) for each month the
 32 defendant remains on bail and under the supervision of a
 33 probation officer or pretrial services agency; and

34 (3) an administrative fee of one hundred dollars (\$100);

35 to the ~~probation department, pretrial services agency, or clerk of the~~
 36 court if the defendant meets the conditions set forth in subsection (b).

37 (f) The ~~probation department, pretrial services agency, or clerk of~~
 38 the court shall collect the administrative fee under subsection (e)(3)
 39 before collecting any other fee under subsection (e). ~~Except for the~~
 40 ~~money described in subsections (c) and (d), all money collected by the~~
 41 ~~probation department, pretrial services agency, or clerk of the court~~
 42 ~~under this section shall be transferred to the county treasurer, who shall~~

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1 deposit fifty percent (50%) of the money into the county supplemental
 2 adult probation services fund and fifty percent (50%) of the money into
 3 the county supplemental public defender services fund (IC 33-40-3-1).
 4 The fiscal body of the county shall appropriate money from the county
 5 supplemental adult probation services fund:

- 6 (1) to the county; superior; or circuit court of the county that
- 7 provides probation services or pretrial services to adults to
- 8 supplement adult probation services or pretrial services; and
- 9 (2) to supplement the salary of:

- 10 (A) an employee of a pretrial services agency; or

- 11 (B) a probation officer in accordance with the schedule
- 12 adopted by the county fiscal body under IC 36-2-16.5.

13 (g) The county supplemental adult probation services fund may be
 14 used only to supplement adult probation services or pretrial services
 15 and to supplement salaries for probation officers or employees of a
 16 pretrial services agency. A supplemental probation services fund may
 17 not be used to replace other probation services or pretrial services
 18 funding. Any money remaining in the fund at the end of a fiscal year
 19 does not revert to any other fund but continues in the county
 20 supplemental adult probation services fund.

21 (h) A defendant who is charged with more than one (1) offense
 22 and who is supervised by the probation department or pretrial services
 23 agency as a condition of bail may not be required to pay more than:

- 24 (1) one (1) initial pretrial services fee; and
- 25 (2) one (1) monthly pretrial services fee per month.

26 (i) A probation department or pretrial services agency may
 27 petition a court to:

- 28 (1) impose a pretrial services fee on a defendant; or
- 29 (2) increase a defendant's pretrial services fee;

30 if the financial ability of the defendant to pay a pretrial services fee
 31 changes while the defendant is on bail and supervised by a probation
 32 officer or pretrial services agency.

33 (j) An order to pay a pretrial services fee under this section:

- 34 (1) is a judgment lien that, upon the defendant's conviction:
 - 35 (A) attaches to the property of the defendant;
 - 36 (B) may be perfected;
 - 37 (C) may be enforced to satisfy any payment that is delinquent
 - 38 under this section; and
 - 39 (D) expires;
- 40 in the same manner as a judgment lien created in a civil
- 41 proceeding;
- 42 (2) is not discharged by the disposition of charges against the

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defendant or by the completion of a sentence, if any, imposed on the defendant;

(3) is not discharged by the liquidation of a defendant's estate by a receiver under IC 32-30-5; and

(4) is immediately terminated if a defendant is acquitted or if charges against the defendant are dropped.

~~(k)~~ (j) If a court orders a defendant to pay a pretrial services fee, the court may, upon the defendant's conviction, enforce the order by garnishing the wages, salary, and other income earned by the defendant.

~~(j)~~ (k) If a defendant is delinquent in paying the defendant's pretrial services fee and has never been issued a driver's license or permit, upon the defendant's conviction, the court may order the bureau of motor vehicles to not issue a driver's license or permit to the defendant until the defendant has paid the defendant's delinquent pretrial services fee. If a defendant is delinquent in paying the defendant's pretrial services fee and the defendant's driver's license or permit has been suspended or revoked, the court may order the bureau of motor vehicles to not reinstate the defendant's driver's license or permit until the defendant has paid the defendant's delinquent pretrial services fee.

~~(m)~~ (l) In addition to other methods of payment allowed by law, a probation department or pretrial services agency the clerk of a court may accept payment of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)). The liability for payment is not discharged until the probation department or pretrial services agency clerk receives payment or credit from the institution responsible for making the payment or credit.

~~(n)~~ (m) The probation department or pretrial services agency clerk of a court may contract with a bank or credit card vendor for acceptance of a bank or credit card. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or pretrial services agency, or charged directly to the account of the probation department or pretrial services agency, the probation department or pretrial services agency the clerk may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the fee or fees the defendant may be required to pay under subsection (e).

~~(o)~~ (n) The probation department or pretrial services agency clerk of a court shall forward a credit card service fee collected under subsection ~~(n)~~ (m) to the county treasurer in accordance with subsection (f). These funds may be used without appropriation to pay

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1 the transaction charge or discount fee charged by the bank or credit
2 card vendor: state for deposit in the state general fund.

3 SECTION 187. IC 35-38-1-9 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) As used in this
5 chapter, "recommendation" and "victim" have the meanings set out in
6 IC 35-35-3-1.

7 (b) The presentence investigation consists of the gathering of
8 information with respect to:

- 9 (1) the circumstances attending the commission of the offense;
- 10 (2) the convicted person's history of delinquency or criminality,
11 social history, employment history, family situation, economic
12 status, education, and personal habits; and
- 13 (3) the impact of the crime upon the victim.

14 (c) The presentence investigation may include any matter that the
15 probation officer conducting the investigation believes is relevant to
16 the question of sentence, and must include:

- 17 (1) any matters the court directs to be included;
- 18 (2) any written statements submitted to the prosecuting attorney
19 by a victim under IC 35-35-3;
- 20 (3) any written statements submitted to the probation officer by a
21 victim; and
- 22 (4) preparation of the victim impact statement required under
23 section 8.5 of this chapter.

24 (d) If there are no written statements submitted to the probation
25 officer, ~~he~~ **the probation officer** shall certify to the court:

- 26 (1) that ~~he~~ **the probation officer** has attempted to contact the
27 victim; and
- 28 (2) that if ~~he~~ **the probation officer** has contacted the victim, ~~he~~
29 **the probation officer** has offered to accept the written statements
30 of the victim or to reduce ~~his~~ **the victim's** oral statements to
31 writing, concerning the sentence, including the acceptance of any
32 recommendation.

33 (e) A presentence investigation report prepared by a probation
34 officer must include the information and comply with any other
35 requirements established in the rules adopted ~~under IC 11-13-1-8:~~ **by**
36 **the supreme court.**

37 SECTION 188. IC 35-38-2-1, AS AMENDED BY P.L.1-2006,
38 SECTION 529, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Whenever it places a person
40 on probation, the court shall:

- 41 (1) specify in the record the conditions of the probation; and
- 42 (2) advise the person that if the person violates a condition of

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probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(b) In addition, if the person was convicted of a felony and is placed on probation, the court shall order the person to pay to the ~~probation department clerk~~ the user's fee prescribed under subsection (d). If the person was convicted of a misdemeanor, the court may order the person to pay the user's fee prescribed under subsection (e). The court may:

(1) modify the conditions (except a fee payment may only be modified as provided in section 1.7(b) of this chapter); or

(2) terminate the probation;

at any time. If the person commits an additional crime, the court may revoke the probation.

(c) If a clerk of a court collects a probation user's fee, the clerk:

(1) may keep not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2; and

(2) if requested to do so by the county auditor, city fiscal officer, or town fiscal officer under clause (A), (B), or (C), transfer not more than three percent (3%) of the fee to the:

(A) county auditor, who shall deposit the money transferred under this subdivision into the county general fund;

(B) city general fund when requested by the city fiscal officer; or

(C) town general fund when requested by the town fiscal officer.

(d) In addition to any other conditions of probation, the court shall order each person convicted of a felony to pay:

(1) not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) as an initial probation user's fee;

(2) a monthly probation user's fee of not less than fifteen dollars (\$15) nor more than thirty dollars (\$30) for each month that the person remains on probation;

(3) the costs of the laboratory test or series of tests to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV) if such tests are required by the court under section 2.3 of this chapter;

(4) an alcohol abuse deterrent fee and a medical fee set by the

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1 court under IC 9-30-9-8, if the court has referred the defendant to
 2 an alcohol abuse deterrent program; and
 3 (5) an administrative fee of one hundred dollars (\$100);
 4 to ~~either the probation department or~~ the clerk.

5 (e) In addition to any other conditions of probation, the court may
 6 order each person convicted of a misdemeanor to pay:

7 (1) not more than a fifty dollar (\$50) initial probation user's fee;
 8 (2) a monthly probation user's fee of not less than ten dollars
 9 (\$10) nor more than twenty dollars (\$20) for each month that the
 10 person remains on probation;

11 (3) the costs of the laboratory test or series of tests to detect and
 12 confirm the presence of the human immunodeficiency virus (HIV)
 13 antigen or antibodies to the human immunodeficiency virus (HIV)
 14 if such tests are required by the court under section 2.3 of this
 15 chapter; and

16 (4) an administrative fee of fifty dollars (\$50);
 17 to ~~either the probation department or~~ the clerk.

18 (f) The ~~probation department or~~ clerk shall collect the
 19 administrative fees under subsections (d)(5) and (e)(4) before
 20 collecting any other fee under subsection (d) or (e). ~~All money~~
 21 ~~collected by the probation department or the clerk under this section~~
 22 ~~shall be transferred to the county treasurer, who shall deposit the~~
 23 ~~money into the county supplemental adult probation services fund. The~~
 24 ~~fiscal body of the county shall appropriate money from the county~~
 25 ~~supplemental adult probation services fund:~~

26 (1) to the county, superior, circuit, or municipal court of the
 27 county that provides probation services to adults to supplement
 28 adult probation services; and

29 (2) to supplement the salaries of probation officers in accordance
 30 with the schedule adopted by the county fiscal body under
 31 ~~IC 36-2-16.5.~~

32 (g) The ~~probation department or~~ clerk shall collect the
 33 administrative fee under subsection (e)(4) before collecting any other
 34 fee under subsection (e). All money collected by the ~~probation~~
 35 ~~department or the clerk of a city or town court under this section shall~~
 36 ~~be transferred to the fiscal officer of the city or town for deposit into~~
 37 ~~the local supplemental adult probation services city or town user fee~~
 38 ~~fund. The fiscal body of the city or town shall appropriate money from~~
 39 ~~the local supplemental adult probation services fund to the city or town~~
 40 ~~court of the city or town for the court's use in providing probation~~
 41 ~~services to adults or for the court's use for other purposes as may be~~
 42 ~~appropriated by the fiscal body. Money may be appropriated under this~~

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subsection only to those city or town courts that have an adult probation services program. If a city or town court does not have ~~such~~ a program, the money collected by the probation department must be transferred and ~~appropriated as provided under subsection (f):~~ **to the auditor of state for deposit in the state general fund.**

(h) Except as provided in subsection (j), the ~~county or~~ local supplemental adult probation services fund may be used only to supplement probation services and to supplement salaries for probation officers. A supplemental probation services fund may not be used to replace other funding of probation services. Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the ~~county or~~ local supplemental adult probation services fund.

(i) A person placed on probation for more than one (1) crime:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to the probation department or the clerk.

(j) This subsection applies to a city or town located in a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000). Any money remaining in the local supplemental adult probation services fund at the end of the local fiscal year may be appropriated by the city or town fiscal body to the city or town court for use by the court for purposes determined by the fiscal body.

(k) In addition to other methods of payment allowed by law, a probation department may accept payment of fees required under this section and section 1.5 of this chapter by credit card (as defined in IC 14-11-1-7). The liability for payment is not discharged until the probation department receives payment or credit from the institution responsible for making the payment or credit.

(l) The probation department may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or charged directly to the probation department's account, the probation department may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the money the probation department is required to collect under subsection (d) or (e).

(m) The probation department shall forward the credit card service fees collected under subsection (l) to the county treasurer or city or

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town fiscal officer in accordance with subsection (f) or (g). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 189. IC 35-38-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) ~~At home detention fees collected by a county based probation department shall be transferred to the county treasurer who shall deposit the fees into the county supplemental adult or juvenile probation services fund.~~ The expenses of administering a **county based probation department** home detention program, including the purchase of monitoring devices and other supervision expenses, shall be paid ~~from the fund.~~ **by the state.**

(b) All home detention fees collected by the probation department of a city or town court shall be transferred to the fiscal officer of the city or town who shall deposit the fees into the local supplemental adult or juvenile probation services fund. The expenses of administering a home detention program, including the purchase of monitoring devices and other supervision expenses shall be paid from the fund.

(c) All home detention fees collected by a community corrections program, except any funds received by a community corrections program under IC 11-12, shall be deposited into the community corrections home detention fund established for the county under IC 11-12-7-1. The expenses of administering a community corrections home detention program, including the purchase of monitoring devices and other supervision expenses shall be paid from the fund.

SECTION 190. IC 35-45-3-2, AS AMENDED BY P.L.231-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally places or leaves refuse on property of another person, except in a container provided for refuse, commits littering, a Class B infraction. However, the offense is a Class A infraction if the refuse is placed or left in, on, or within one hundred (100) feet of a body of water that is under the jurisdiction of the:

(1) department of natural resources; or

(2) United States Army Corps of Engineers.

Notwithstanding IC 34-28-5-4(a), a judgment of not more than one thousand dollars (\$1,000) shall be imposed for each Class A infraction committed under this section.

(b) "Refuse" includes solid and semisolid wastes, dead animals, and offal.

(c) Evidence that littering was committed from a moving vehicle other than a public conveyance constitutes prima facie evidence that it

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was committed by the operator of that vehicle.

(d) Notwithstanding IC 36-1-3-8(a), a city, town, or county may regulate littering on public property (including the placement and type of containers provided for refuse) as follows:

(1) The legislative body (as defined in IC 36-1-2-9) may adopt an ordinance that is at least as restrictive or more restrictive than this section.

(2) A park board of a city, town, or county may adopt a regulation that is at least as restrictive or more restrictive than this section with respect to parks and recreation areas within the park board's jurisdiction. A civil penalty for violation of a park board regulation is not enforceable unless the legislative body (as defined in IC 36-1-2-9) of the city, town, or county adopts an ordinance authorizing a penalty for violation of the regulation.

(3) A civil penalty for a violation of an ordinance or a regulation under this subsection may not exceed:

(A) one hundred dollars (\$100) for the first violation;

(B) two hundred fifty dollars (\$250) for the second violation; and

(C) five hundred dollars (\$500) for any subsequent violation.

All civil penalties collected for violations of an ordinance or regulation under this subsection must be deposited in the general fund of the city, town, or county.

SECTION 191. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. **(a) "Executive" means:**

(1) except as provided in subsection (b), board of commissioners, for a county not having a consolidated city;

(2) mayor of the consolidated city, for a county having a consolidated city;

(3) mayor, for a city;

(4) president of the town council, for a town;

(5) trustee, for a township;

(6) superintendent, for a school corporation; or

(7) chief executive officer, for any other political subdivision.

(b) "Executive", after December 31, 2010, means the chief executive officer elected under IC 3-10-2-13 for a county not having a consolidated city.

SECTION 192. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 9. "Legislative body" means: ~~the~~

- (1) **before January 1, 2011, the** board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1;
- (2) **the** county council, for a county subject to IC 36-2-3.5 (**before January 1, 2011**) or IC 36-2-3.7 (**after December 31, 2010**);
- (3) **the** city-county council, for a consolidated city or county having a consolidated city;
- (4) **the** common council, for a city other than a consolidated city;
- (5) **the** town council, for a town;
- (6) **the** township board, for a township;
- (7) **the** governing body of any other political subdivision that has a governing body; or
- (8) **the** chief executive officer of any other political subdivision that does not have a governing body.

SECTION 193. IC 36-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either:

- (1) if the unit is a county or municipality, adopt an ordinance prescribing a specific manner for exercising the power;
- (2) if the unit is a township, adopt a resolution prescribing a specific manner for exercising the power; or
- (3) comply with a statutory provision permitting a specific manner for exercising the power.

(c) An ordinance under subsection (b)(1) must be adopted as follows:

- (1) In a municipality, by the legislative body of the municipality.
- (2) In a county subject to IC 36-2-3.5 (**before January 1, 2011**) or IC 36-3-1, by the legislative body of the county.
- (3) In any other county, by the executive of the county.

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township.

SECTION 194. IC 36-1-8-5, AS AMENDED BY P.L.1-2007, SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an

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1 unused and unencumbered balance remains in the fund, the fiscal body
 2 of the political subdivision shall order the balance of that fund to be
 3 transferred as follows, unless a statute provides that it be transferred
 4 otherwise:

5 (1) Funds of a county, to the general fund or rainy day fund of the
 6 county, as provided in section 5.1 of this chapter.

7 (2) Funds of a municipality, to the general fund or rainy day fund
 8 of the municipality, as provided in section 5.1 of this chapter.

9 (3) Funds of a township for redemption of township assistance
 10 obligations, to the township assistance fund of the township or
 11 rainy day fund of the township, as provided in section 5.1 of this
 12 chapter.

13 (4) Funds of any other political subdivision, to the general fund or
 14 rainy day fund of the political subdivision, as provided in section
 15 5.1 of this chapter. However, if the political subdivision is
 16 dissolved or does not have a general fund or rainy day fund, then
 17 to the general fund of each of the units located in the political
 18 subdivision in the same proportion that the assessed valuation of
 19 the unit bears to the total assessed valuation of the political
 20 subdivision.

21 (c) Whenever an unused and unencumbered balance remains in the
 22 civil township fund of a township and a current tax levy for the fund is
 23 not needed, the township fiscal body may order any part of the balance
 24 of that fund transferred to the debt service fund of the school
 25 corporation located in or partly in the township. However, if more than
 26 one (1) school corporation is located in or partly in the township, then
 27 any sum transferred shall be transferred to the debt service fund of each
 28 of those school corporations in the same proportion that the part of the
 29 assessed valuation of the school corporation in the township bears to
 30 the total assessed valuation of the township.

31 (d) If there is:

32 (1) an unexpended balance in the debt service fund of any school
 33 township; and

34 (2) no outstanding bonded or other indebtedness of the school
 35 township to the payment of which the unexpended balance or any
 36 part of the unexpended balance can be legally applied;

37 the township trustee of the township, with the approval of the township
 38 board, may transfer the unexpended balance in the debt service fund to
 39 the school general fund of the school township.

40 (e) Whenever any township has collected any fund for the special
 41 or specific purpose of erecting or constructing a school building and
 42 the township trustee of the township decides to abandon the proposed

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work of erecting or constructing the school building, the township trustee of the township shall transfer the fund collected for the special or specific purpose to the township fund of the township, upon the order of the township board to make the transfer. It is lawful thereafter to use the funds for any purpose for which the township funds of the township may be used.

(f) Transfers to a political subdivision's rainy day fund may be made ~~at any time during the political subdivision's fiscal year.~~ **after the last day of the political subdivision's fiscal year and before March 1 of the subsequent calendar year.**

SECTION 195. IC 36-1-8-10.5, AS AMENDED BY P.L.1-2005, SECTION 231, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10.5. (a) This section does not apply to the following:

(1) An elected or appointed officer.

(2) An individual described in IC 20-26-4-11.

(b) **Subject to IC 3-5-9-4**, an employee of a political subdivision may:

(1) be a candidate for any elected office and serve in that office if elected; or

(2) be appointed to any office and serve in that office if appointed; without having to resign as an employee of the political subdivision.

SECTION 196. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 17. (a) This section does not apply to a township in a county having a consolidated city.**

(b) After June 30, 2008, a township may not enter into a contract with a term that extends beyond December 31, 2010, unless the contract has been approved by the fiscal body of the county.

SECTION 197. IC 36-1.5-4-11, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The voters of a political subdivision may initiate a proposed reorganization by filing a written petition, substantially in the form prescribed by the department, with the clerk of the political subdivision that:

(1) proposes a reorganization; and

(2) names the political subdivisions that would be reorganized in the proposed reorganization.

(b) If the written petition is signed by at least ~~five~~ **four** percent ~~(5%)~~ **(4%)** of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most

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1 recent general election, the clerk of the political subdivision shall
 2 certify the petition to the legislative body of the political subdivision.

3 SECTION 198. IC 36-1.5-4-23.5, AS ADDED BY P.L.186-2006,
 4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 23.5. The following apply if the legislative
 6 bodies of all political subdivisions that have been presented with a plan
 7 of reorganization under section 18(d) of this chapter have not adopted
 8 a plan of reorganization, either as presented by the reorganization
 9 committee or as modified by all of the political subdivisions, within
 10 one (1) year after the initial plan of reorganization is presented:

11 (1) Not later than one (1) month after the end of the one (1) year
 12 period in which the legislative bodies must adopt a plan of
 13 reorganization, the reorganization committee shall submit a final
 14 plan of reorganization to the legislative bodies of the political
 15 subdivisions.

16 (2) Not later than one (1) month after receiving the final plan of
 17 reorganization under subdivision (1), each of the legislative
 18 bodies must:

19 (A) hold a hearing on the final plan of reorganization; and

20 (B) adopt either a resolution approving the final plan of
 21 reorganization or a resolution rejecting the final plan of
 22 reorganization.

23 If a legislative body does not adopt a resolution under this
 24 subdivision within the one (1) month period, the failure to adopt
 25 a resolution is considered to be an approval of the final plan of
 26 reorganization.

27 (3) If a legislative body adopts a resolution approving the final
 28 plan of reorganization, the legislative body shall certify its
 29 approval under section 23 of this chapter.

30 (4) If any of the legislative bodies adopts a resolution rejecting the
 31 final plan of reorganization, the registered voters of a political
 32 subdivision in which the final plan of reorganization was rejected
 33 by a legislative body under subdivision (2) may submit a petition
 34 to the clerk of the circuit court approving the final plan of
 35 reorganization and requesting that a public question be held on
 36 the final plan of reorganization. The petition must be submitted
 37 not later than one hundred eighty (180) days after the legislative
 38 body voted to reject the final plan of reorganization. If the petition
 39 is signed by at least ~~ten~~ **nine** percent ~~(10%)~~ **(9%)** of the voters of
 40 the political subdivision, as determined by the vote cast in the
 41 political subdivision for secretary of state at the most recent
 42 general election:

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(A) the political subdivision is considered to have approved the holding of the public question on the final plan of reorganization, notwithstanding the vote by the legislative body rejecting the final plan of reorganization; and
 (B) the clerk of the circuit court shall certify approval of the final plan of the reorganization and the holding of the public question in the manner specified in section 23 of this chapter.

SECTION 199. IC 36-1.5-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 6. Reorganization of Single Townships

Sec. 1. (a) A township may reorganize its structure under this chapter.

(b) A township may also reorganize with another township or another political subdivision as provided in IC 36-1.5-4 and IC 36-1.5-5.

Sec. 2. Except as provided in this chapter, IC 36-1.5-3, IC 36-1.5-4, and IC 36-1.5-5 apply to reorganization of a township under this chapter.

Sec. 3. A township reorganization may be initiated under this chapter as provided in IC 36-1.5-4-9.

Sec. 4. (a) A township reorganization committee shall be established as provided in:

- (1) the resolution of the township board, if the township board initiates the reorganization as provided in IC 36-1.5-4-10; or**
- (2) the petition of the voters, if the voters of the township initiate the reorganization as provided in IC 36-1.5-4-11.**

(b) IC 36-1.5-4-16 and IC 36-1.5-4-17 apply to the reorganization committee.

Sec. 5. (a) Except as provided in this section, IC 36-1.5-4-18 applies to a township reorganization plan prepared under this chapter.

(b) A township reorganization plan must provide for the following:

- (1) The exercise of township executive functions. The executive functions may be exercised by an appointed or elected official. If the township executive is to be appointed, the reorganization plan must specify the manner for the appointment of the executive.**
- (2) The exercise of township legislative functions. The reorganization plan must provide for the following regarding the legislative function:**

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(A) The legislative function must be exercised by an elected body.

(B) The number of members of the legislative body.

(C) If the number of members of the legislative body is more than three (3), a majority of members of the legislative body must be elected from districts.

(D) If members of the legislative body are to be elected from districts, the reorganization plan must include the following:

(i) A proposed map of the districts. Township legislative districts must satisfy the standards set forth in IC 36-6-6-2.5(b).

(ii) A requirement that the township legislative body must divide the township into legislative body districts during the second year after a year in which a federal decennial census is conducted and, subject to IC 3-11-1.5-32.5, whenever the boundary of the township changes.

(iii) That the township legislative body may divide the township at any other time, subject to IC 3-11-1.5-32.5.

(3) The time for election of the township executive, if elected, and the township legislative body.

(4) The term of office of the elected township officers. The term of office may not be more than four (4) years.

(5) The manner by which the township will exercise each function that a township is required to perform by law at the time the reorganization plan is adopted. The plan may provide for exercise of a township function by another political subdivision through a cooperative agreement with the other political subdivision under IC 36-1.5-5.

(6) Transitional provisions from the existing structure of township government to the structure of township government as proposed in the reorganization plan.

(c) A township reorganization plan may contain other provisions that the reorganization committee considers advisable and that are not otherwise inconsistent with Indiana law.

Sec. 6. After the reorganization committee presents the township reorganization plan to the township legislative body, the legislative body shall act under IC 36-1.5-4-20 through IC 36-1.5-4-24.

Sec. 7. IC 36-1.5-4-23.5 applies if the township legislative body fails to adopt the reorganization plan.

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1 **Sec. 8. The appropriate county officials of the county in which**
 2 **the township is located shall act as required in IC 36-1.5-4 if:**

3 **(1) a petition is filed under IC 36-1.5-4-23.5; or**

4 **(2) a reorganization plan is filed under IC 36-1.5-4-24.**

5 **Sec. 9. A public question shall be placed on the ballot in all**
 6 **precincts in the township as provided in IC 36-1.5-4 in**
 7 **substantially the following form:**

8 **"Shall _____ (insert the name of the**
 9 **township) Township reorganize as provided in the township**
 10 **reorganization plan (adopted by the Township Board) or (as**
 11 **requested by petition of the Township voters) (insert**
 12 **whichever is applicable)?".**

13 **SECTION 200. IC 36-2-2-1 IS AMENDED TO READ AS**
 14 **FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) This chapter**
 15 **applies to all counties not having a consolidated city.**

16 **(b) This chapter expires December 31, 2010.**

17 **SECTION 201. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE**
 18 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 19 **JULY 1, 2008]:**

20 **Chapter 2.5. County Chief Executive Officer**

21 **Sec. 1. Except as specifically provided, this chapter applies after**
 22 **December 31, 2010, to each county that does not have a**
 23 **consolidated city.**

24 **Sec. 2. As used in this chapter, "chief executive officer" means**
 25 **the chief executive officer elected under IC 3-10-2-13 in 2010 and**
 26 **every four (4) years thereafter.**

27 **Sec. 3. In a county subject to this chapter:**

28 **(1) the voters of the county:**

29 **(A) shall elect a chief executive officer; and**

30 **(B) shall not elect a board of county commissioners;**

31 **under IC 3-10-2-13;**

32 **(2) the board of county commissioners for the county is**
 33 **abolished January 1, 2011; and**

34 **(3) the term of each county commissioner serving on**
 35 **December 31, 2010, expires on that day.**

36 **Sec. 4. (a) All powers and duties of the county that are executive**
 37 **or administrative in nature shall be exercised or performed by the**
 38 **chief executive officer, except to the extent that these powers and**
 39 **duties are expressly assigned by law to another elected or**
 40 **appointed officer.**

41 **(b) After December 31, 2010, any reference:**

42 **(1) in the Indiana Code;**

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1 (2) in the Indiana Administrative Code; or
 2 (3) in an ordinance or resolution;
 3 to the board of commissioners as it pertains to a county shall be
 4 considered a reference to the chief executive officer of the county.
 5 After December 31, 2010, any reference in the Indiana Code
 6 related to the executive powers and duties of the board of county
 7 commissioners shall, for purposes of a county subject to this
 8 chapter, be considered a reference to the chief executive officer of
 9 the county.

10 (c) The county council has the legislative powers and duties of
 11 the county as provided in IC 36-2-3.7.

12 Sec. 5. The chief executive officer shall do the following:

13 (1) Report on the condition of the county before March 1 of
 14 each year to the county legislative body and to the residents of
 15 the county.

16 (2) Recommend before March 1 of each year to the county
 17 legislative body any action or program the chief executive
 18 officer considers necessary for the improvement of the county
 19 and the welfare of county residents.

20 (3) Submit to the county legislative body an annual budget in
 21 accordance with IC 36-2-5.

22 (4) Establish the procedures to be followed by all county
 23 departments, offices, and agencies under the chief executive
 24 officer's jurisdiction, to the extent these procedures are not
 25 expressly assigned by law to another elected or appointed
 26 officer.

27 (5) Administer all statutes, ordinances, and regulations
 28 applicable to the county, to the extent the administration of
 29 these matters is not expressly assigned by law to another
 30 elected or appointed officer.

31 (6) Supervise the care and custody of all county property.

32 (7) Supervise the collection of revenues and control all
 33 disbursements and expenditures, and prepare a complete
 34 account of all expenditures, to the extent these matters are not
 35 expressly assigned by law to another elected or appointed
 36 officer.

37 (8) Review, analyze, and forecast trends for county services
 38 and finances and programs of all county governmental
 39 entities, and report and recommend on these to the county
 40 legislative body by March 15 of each year.

41 (9) Negotiate contracts for the county.

42 (10) Make recommendations concerning the nature and

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location of county improvements, and provide for the execution of those improvements.

(11) Supervise county administrative offices, except for the offices of elected officers.

(12) Approve or veto ordinances passed by the county legislative body in the manner prescribed by section 7 of this chapter.

(13) Perform other duties and functions that are assigned to the chief executive officer by statute or ordinance.

Sec. 6. The chief executive officer may do any of the following:

(1) Order any department, office, or agency under the chief executive officer's jurisdiction to undertake any task for another department, office, or agency under the chief executive officer's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.

(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.

Sec. 7. Notwithstanding IC 36-2-2-1(b), the chief executive officer shall approve or veto ordinances passed by the county legislative body in the manner prescribed by IC 36-2-4-8.

Sec. 8. Notwithstanding any other law, if a statute requires a county executive to take an executive action by ordinance or resolution, a chief executive officer shall instead take the action by issuing an executive order.

SECTION 202. IC 36-2-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. ~~(a) The seven (7) member~~ county council elected under this chapter is the county fiscal body **and the county legislative body as provided in IC 36-2-3.7.** The fiscal body shall act in the name of "The _____ County Council".

~~(b) Notwithstanding subsection (a), in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the county council has nine (9) members.~~

SECTION 203. IC 36-2-3-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.1. (a) The county council may adopt an ordinance fixing the number of members of the county council. An ordinance adopted under this section applies to the composition of the county council after December 31, 2010.

(b) The county council may consist of seven (7), nine (9), or eleven (11) members.

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(c) The county council shall file a copy of an ordinance adopted under this section with the circuit court clerk.

(d) Until the county council acts under this section, the following apply:

(1) The county council has the number of members it had on January 1, 2008.

(2) The terms of office of members of the county council expire on the same schedule that they expired on January 1, 2008.

SECTION 204. IC 36-2-3-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.3. (a) The county council shall establish county council districts.

(b) Subject to this section, the county council districts may be single member districts and at-large districts. A county council is not required to have at-large districts.

(c) If a county council has at-large districts, the number of at-large districts may not be greater than the number of single member districts.

(d) Single member districts must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal populations; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting as provided in this chapter.

(e) The county council shall divide the county into single member districts:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when a county boundary is changed under IC 36-2-1-2.

(f) The county council may divide the county into single member districts in any odd-numbered year not described in subsection (e).

(g) If any territory in a county is not included in one (1) of the single member districts established under this chapter, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(h) If any territory in any county is included in more than one

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(1) of the districts established under section 4 of this chapter, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is located according to the ordinance adopted under section 4 of this chapter;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

SECTION 205. IC 36-2-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The ~~fiscal body~~ **county council** shall be elected under IC 3-10-2-13. Except in a county having only single member districts, members elected from districts and at large members, respectively, ~~are to~~ **shall** be elected in alternate, succeeding general elections under ~~section 4~~ of this chapter. In a county having only single member districts, the terms of the members are staggered as was provided by law before September 1, 1980.

(b) The term of office of a member of the ~~fiscal body~~ **county council** is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 206. IC 36-2-3-4, AS AMENDED BY P.L.230-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the ~~fiscal body~~ **county council** shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more

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than two hundred thousand (200,000) but less than three hundred thousand (300,000). The ~~fiscal body~~ **county council** shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

(g) This section expires December 31, 2010.

SECTION 207. IC 36-2-3-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.5. (a) If any territory in any county is not included in one (1) of the districts established under section 4 of this chapter, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(b) If any territory in any county is included in more than one (1) of the districts established under section 4 of this chapter, the territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under section 4 of this chapter;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

(c) This section expires December 31, 2010.

SECTION 208. IC 36-2-3-4.7 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.7. (a) Whenever the
 2 county executive or the county fiscal body divides the county into
 3 districts under section 4 of this chapter, the county executive or the
 4 county ~~fiscal body~~ **council** shall adopt an ordinance.

5 (b) The county executive or the county ~~fiscal body~~ **council** shall file
 6 a copy of an ordinance adopted under subsection (a) with the circuit
 7 court clerk.

8 **(c) This section expires December 31, 2010.**

9 SECTION 209. IC 36-2-3-5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) To be eligible to
 11 serve as a member of the ~~fiscal body~~, **county council**, a person must
 12 meet the qualifications prescribed by IC 3-8-1-22.

13 (b) A member of the ~~fiscal body~~ **county council** must reside within:

14 (1) the county as provided in Article 6, Section 6 of the
 15 Constitution of the State of Indiana; and

16 (2) the district from which the member was elected, if applicable.

17 (c) A member who fails to comply with subsection (b) forfeits the
 18 office.

19 SECTION 210. IC 36-2-3-6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) At its regular
 21 meeting required by section 7(b)(1) of this chapter, the ~~fiscal body~~
 22 **county council** shall elect a president and president pro tempore from
 23 its members.

24 (b) The county auditor is the clerk of the ~~fiscal body~~ **county council**
 25 and shall:

26 (1) preserve the ~~fiscal body's~~ **county council's** records in ~~his the~~
 27 **county auditor's** office;

28 (2) keep an accurate record of the ~~fiscal body's~~ **county council's**
 29 proceedings;

30 (3) record the ayes and nays on each vote appropriating money or
 31 fixing the rate of a tax levy; and

32 (4) record the ayes and nays on other votes when requested to do
 33 so by two (2) or more members.

34 (c) The county sheriff or a county police officer shall attend the
 35 meetings of the ~~fiscal body~~, **county council**, if requested by the ~~fiscal~~
 36 ~~body~~, **county council**, and shall execute its orders.

37 (d) The ~~fiscal body~~ **county council** may employ legal and
 38 administrative personnel necessary to assist and advise it in the
 39 performance of its functions and duties.

40 SECTION 211. IC 36-2-3-7 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The ~~fiscal body~~
 42 **county council** shall hold its meetings in the county seat, in the county

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auditor's office, or in another location provided by the county executive and approved by the ~~fiscal body~~ **county council**.

(b) The ~~fiscal body~~ **county council**:

(1) shall hold a regular meeting in January after its election, for the purpose of organization and other business;

(2) shall hold a regular meeting annually, as prescribed by IC 6-1.1-17, to adopt the county's annual budget and tax rate;

(3) may hold a special meeting under subsection (c) or (d); and

(4) in the case of a county subject to IC 36-2-3.5 **before January 1, 2011**, shall hold meetings at a regularly scheduled time each month that does not conflict with the meetings of the county executive.

(c) A special meeting of the ~~fiscal body~~ **county council** may be called:

(1) by the county auditor or the president of the ~~fiscal body~~ **county council**; or

(2) by a majority of the members of the ~~fiscal body~~ **county council**.

At least forty-eight (48) hours before the meeting, the auditor, president, or members calling the meeting shall give written notice of the meeting to each member of the ~~fiscal body~~ **county council** and publish, at least one (1) day before the meeting, the notice in accordance with IC 5-3-1-4. This subsection does not apply to a meeting called to deal with an emergency under IC 5-14-1.5-5.

(d) If a court orders the county auditor to make an expenditure of county money for a purpose for which an appropriation has not been made, the auditor shall immediately call an emergency meeting of the ~~fiscal body~~ **county council** to discuss the matter. Notwithstanding subsection (c), the meeting must be held within three (3) working days of the receipt of the order by the auditor, and notice of the meeting day, time, and ~~places~~ **place** is sufficient if:

(1) given by telephone to the members of the ~~fiscal body~~ **county council** and

(2) given according to IC 5-14-1.5.

SECTION 212. IC 36-2-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. A member of the ~~fiscal body~~ **county council** who purchases a bond, order, claim, or demand against the county for less than its face value shall forfeit it to the county and may not enforce it by legal action.

SECTION 213. IC 36-2-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. The ~~fiscal body~~ **county council** may:

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- (1) expel any member for violation of an official duty;
- (2) declare the seat of any member vacant if ~~he~~ **the member** is unable or fails to perform the duties of ~~his~~ **the** office; and
- (3) adopt its own rules to govern proceedings under this section, but a two-thirds (2/3) vote is required to expel a member or vacate ~~his~~ **the member's** seat.

SECTION 214. IC 36-2-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) The ~~fiscal body~~ **county council** may employ and fix the compensation of an attorney to represent and advise the ~~fiscal body~~ **county council**.

(b) For the purposes of Section 9, Article 2 of the Constitution of the State of Indiana, employment by a county ~~fiscal body~~ **council** as an attorney does not constitute a lucrative office.

SECTION 215. IC 36-2-3.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7. This chapter expires December 31, 2010.**

SECTION 216. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 3.7. County Council as the County Legislative Body

Sec. 1. This chapter applies after December 31, 2010, to each county that does not have a consolidated city.

Sec. 2. As used in this chapter, "chief executive officer" means the chief executive officer of a county elected under IC 3-10-2-13 in a county subject to IC 36-2-2.5.

Sec. 3. The executive and legislative powers of a county are divided between separate branches of county government. A power belonging to one (1) branch of county government may not be exercised by the other branch of county government.

Sec. 4. (a) The county council elected under IC 36-2-3 is the county legislative body as well as the county fiscal body.

(b) The chief executive officer is the county executive of the county. The chief executive officer of the county has the executive and administrative powers and duties of the county as provided in IC 36-2-2.5.

Sec. 5. (a) All powers and duties of the county that are legislative in nature shall be exercised or performed by the county council functioning as the county legislative body.

(b) The county council has the same legislative powers and duties that the county board of commissioners in the county had before the county board of commissioners was abolished.

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1 **Sec. 6. The county council may do any of the following:**

2 (1) **Establish committees that are necessary to carry out the**
3 **county council's functions.**

4 (2) **Employ legal and administrative personnel necessary to**
5 **carry out the county council's functions.**

6 (3) **Adopt all ordinances, orders, resolutions, and motions for**
7 **the government of the county, in the manner prescribed by**
8 **IC 36-2-4.**

9 (4) **Receive gifts, bequests, and grants from public or private**
10 **sources.**

11 (5) **Conduct investigations into the conduct of county business**
12 **for the purpose of correcting deficiencies and ensuring**
13 **adherence to law and county ordinances and policies.**

14 (6) **Establish, by ordinance, new county departments,**
15 **divisions, or agencies whenever necessary to promote efficient**
16 **county government.**

17 SECTION 217. IC 36-2-4-8 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) An ordinance,
19 order, or resolution is considered adopted when it is signed by the
20 presiding officer. If required, an adopted ordinance, order, or resolution
21 must be promulgated or published according to statute before it takes
22 effect.

23 (b) An ordinance prescribing a penalty or forfeiture for a violation
24 must, before it takes effect, be published once each week for two (2)
25 consecutive weeks, according to IC 5-3-1. However, if such an
26 ordinance is adopted by the legislative body of a county subject to
27 IC 36-2-3.5 **(before January 1, 2011) or IC 36-2-3.7 (after**
28 **December 31, 2010)** and there is an urgent necessity requiring its
29 immediate effectiveness, it need not be published if:

30 (1) the county executive proclaims the urgent necessity; and

31 (2) copies of the ordinance are posted in three (3) public places in
32 each of the districts of the county before it takes effect.

33 (c) In addition to the other requirements of this section, an
34 ordinance or resolution passed by the legislative body of a county
35 subject to IC 36-2-3.5 **(before January 1, 2011) or IC 36-2-3.7 (after**
36 **December 31, 2010)** is considered adopted only if it is:

37 (1) approved by signature of a majority of the county executive;

38 (2) neither approved nor vetoed by a majority of the executive,
39 within ten (10) days after passage by the legislative body; or

40 (3) passed over the veto of the executive by a two-thirds (2/3)
41 vote of the legislative body, within sixty (60) days after
42 presentation of the ordinance or resolution to the executive.

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(d) After an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 (**before January 1, 2011**) or **IC 36-2-3.7 (after December 31, 2010)** has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:

(1) approve the ordinance or resolution, by signature of a majority of the executive, and send the legislative body a message announcing its approval; or

(2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

(e) This section does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(f) An ordinance increasing a building permit fee on new development must:

(1) be published:

(A) one (1) time in accordance with IC 5-3-1; and

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

SECTION 218. IC 36-2-15-5, AS AMENDED BY P.L.219-2007, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

(1) Countywide equalization.

(2) Selection and maintenance of a countywide computer system.

(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(5) In a county in which the transfer of duties is required by subsection (e), performance of the assessment duties prescribed by IC 6-1.1.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

(1) fails to make a report that is required by law;

(2) fails to deliver a property tax record to the appropriate officer

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1 or board;

2 (3) fails to deliver an assessment to the county assessor; or

3 (4) fails to perform any other assessing duty as required by statute
4 or rule of the department of local government finance;

5 within the time period prescribed by statute or rule of the department
6 or within a later time that is necessitated by reason of another official
7 failing to perform the official's functions in a timely manner.

8 (c) A township with a township trustee-assessor may, with the
9 consent of the township board, enter into an agreement with:

10 (1) the county assessor; or

11 (2) another township assessor in the county;

12 to perform any of the functions of an assessing official. A township
13 trustee-assessor may not contract for the performance of any function
14 for a period of time that extends beyond the completion of the township
15 trustee-assessor's term of office.

16 (d) A transfer of duties between assessors under subsection (e) does
17 not affect:

18 (1) any assessment, assessment appeal, or other official action
19 made by an assessor before the transfer; or

20 (2) any pending action against, or the rights of any party that may
21 possess a legal claim against, an assessor that is not described in
22 subdivision (1).

23 Any assessment, assessment appeal, or other official action of an
24 assessor made by the assessor within the scope of the assessor's official
25 duties before the transfer is considered as having been made by the
26 assessor to whom the duties are transferred.

27 (e) If for a particular general election after June 30, 2008, the person
28 elected to the office of township assessor or the office of township
29 trustee-assessor has not attained the certification of a level two
30 assessor-appraiser as provided in IC 3-8-1-23.5 before the date the term
31 of office begins, the assessment duties prescribed by IC 6-1.1 that
32 would otherwise be performed in the township by the township
33 assessor or township trustee-assessor are transferred to the county
34 assessor on that date. If assessment duties in a township are transferred
35 to the county assessor under this subsection, those assessment duties
36 are transferred back to the township assessor or township
37 trustee-assessor (as appropriate) if at a later election a person who has
38 attained the certification of a level two assessor-appraiser as provided
39 in IC 3-8-1-23.5 is elected to the office of township assessor or the
40 office of township trustee-assessor.

41 (f) If assessment duties in a township are transferred to the county
42 assessor under subsection (e):

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(1) the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor; and

(2) the office of township trustee remains in place for the purpose of carrying out all functions of the office other than assessment duties prescribed by IC 6-1.1.

(g) This subsection applies in a county not having a consolidated city. The county assessor shall perform in each township the functions of an assessing official and other duties of an assessing official prescribed by statute, including assessment duties prescribed by IC 6-1.1.

SECTION 219. IC 36-2-19-7, AS AMENDED BY P.L.219-2007, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. ~~(a) Except as provided in subsection (b);~~ In a township in which IC 6-1.1-5-9 or IC 6-1.1-5-9.1 applies, the county surveyor shall file a duplicate copy of any plat described in section 4 of this chapter with the township assessor, **if any, and the county assessor.**

~~(b) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.~~

SECTION 220. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 21. County Fire Protection Duties

Sec. 1. After December 31, 2010, the county executive is responsible for providing fire protection in unincorporated areas of the county in a manner authorized by IC 36-8-13.5.

Sec. 2. The county executive may adopt an ordinance to provide for the imposition and collection of fees for ambulance services provided by the county fire department.

SECTION 221. IC 36-3-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) When a first class city becomes a consolidated city, the officers who become the executive and legislative body of the consolidated city under section 4(c) of this chapter also become the executive and legislative body of the county.

(b) The members of the board of commissioners of the county are entitled to remain in office until their terms expire, although the board is no longer the executive of the county. As their terms expire or their positions become vacant, they shall be replaced by the following

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officers in the following order:

- (1) The county treasurer.
- (2) The county auditor.
- (3) The county assessor.

Before January 1, 2011, these three (3) officers then serve ex officio as commissioners under IC 36-3-3-10. **Except as specifically provided, after December 31, 2010, the executive of the consolidated city has the duties and powers previously held by the commissioners.**

SECTION 222. IC 36-3-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. The executive shall perform the duties and exercise the powers prescribed for the board of commissioners of the county by statutes other than this title, except for the following:

- (1) Duties and powers vested in the city-county legislative body by IC 36-3-4.
- (2) **Before January 1, 2011**, duties and powers retained by the board of commissioners of the county under section 10 of this chapter.

SECTION 223. IC 36-3-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) **This subsection expires December 31, 2010.** The board of commissioners of the county is composed of the county treasurer, the county auditor, and the county assessor. These officers shall serve ex officio as commissioners without additional compensation for performing the duties of the board.

(b) After December 31, 2010, any reference:

- (1) in the Indiana Code;**
- (2) in the Indiana Administrative Code; or**
- (3) in an ordinance or resolution of a consolidated city or of a county having a consolidated city;**

to the board of commissioners as it pertains to a county having a consolidated city shall be considered a reference to the executive of the consolidated city.

~~(b)~~ (c) The board of commissioners **(before January 1, 2011) or the executive of the consolidated city (after December 31, 2010):**

- (1) shall make the appointments required by statute to be made by the board of commissioners of a county;
- (2) shall perform the duties and exercise the powers prescribed by statutes pertaining to the issuance and payment of bonds of the county and the expenditure of the unexpended proceeds of those bonds; and
- (3) may exercise the powers granted it by Article 9, Section 3 of

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the Constitution of the State of Indiana and by IC 12-30-3.

SECTION 224. IC 36-3-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) The city-county legislative body shall perform the duties and may exercise the powers prescribed by statute for:

- (1) the common council of a first class city; or
- (2) the county council of the county.

(b) The city-county legislative body may exercise any power prescribed for the board of commissioners of the county by statute **(before the abolishment of the board of commissioners on December 31, 2010):**

- (1) to pass any ordinance; or
- (2) to pass any rule or regulation prescribing a penalty.

SECTION 225. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.8. (a) Except as provided in subsections (b) and (c), the controller:

- (1) has all the powers; and
- (2) performs all the duties;

of the county auditor under law.

(b) The controller:

- (1) does not have the powers; and
- (2) may not perform the duties;

of the county auditor under IC 36-2-9.5 and IC 36-3-6, or **(before January 1, 2011)** as a member of the board of commissioners of the county under IC 36-3-3-10.

(c) Notwithstanding subsection (a) or any other law, the executive, with the approval of the legislative body, may allocate the duties of the county auditor, except the duties referred to in subsection (b), among:

- (1) the controller;
- (2) the county assessor;
- (3) the county auditor; or
- (4) other appropriate city or county officials.

SECTION 226. IC 36-4-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The powers of a city are divided between the executive and legislative branches of its government. A power belonging to one (1) branch of a city's government may not be exercised by the other branch.

(b) **Subject to IC 3-5-9-4**, a city employee other than an elected or appointed public officer may:

- (1) be a candidate for any elective office and serve in that office if elected; or

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(2) be appointed to any office and serve in that office if appointed; without having to resign as a city employee.

SECTION 227. IC 36-4-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) **The legislative body of a second class city shall appoint** a city clerk. ~~shall be elected under IC 3-10-6 by the voters of each second class city; and a city clerk-treasurer shall be elected under IC 3-10-6 by the voters of each third class city.~~

(b) The city clerk ~~or clerk-treasurer~~ is the clerk of each city.

(c) The city controller appointed under IC 36-4-9-6 is the fiscal officer of each second class city. ~~and the city clerk-treasurer is the fiscal officer of each third class city.~~

(d) The city controller of a second class city is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the city controller's duty as fiscal officer of the second class city, unless the act or omission constitutes gross negligence or an intentional disregard of the controller's duty.

(e) ~~The term of office of a city clerk or clerk-treasurer is four (4) years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified; serves at the pleasure of the city legislative body.~~

SECTION 228. IC 36-4-10-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.3. (a) **The voters of each third class city shall elect a clerk-treasurer under IC 3-10-6.**

(b) **The clerk-treasurer is the clerk of a third class city.**

(c) **The clerk-treasurer is the fiscal officer of a third class city.**

(d) **The term of office of a clerk-treasurer is four (4) years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified.**

SECTION 229. IC 36-4-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A person is eligible to be the clerk only if the person ~~meets the qualifications prescribed by IC 3-8-1-28;~~ **has resided in the city for at least one (1) year before the person's election or appointment.**

(b) Residency in territory that is annexed by the city before the election **or appointment** is considered residency for the purposes of subsection (a), even if the annexation takes effect less than one (1) year before the election **or appointment**.

(c) The clerk must reside within the city as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The clerk forfeits office if the clerk ceases to be a resident of the city.

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1 SECTION 230. IC 36-4-10-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The clerk shall do
 3 the following:

- 4 (1) Serve as clerk of the city legislative body under IC 36-4-6-9
 5 and maintain custody of its records.
- 6 (2) Maintain all records required by law.
- 7 (3) Keep the city seal.
- 8 (4) As soon as a successor is:
 9 (A) elected; or
 10 (B) appointed; and
 11 qualified, deliver to the successor all the records and property of
 12 the clerk's office.
- 13 (5) Perform other duties prescribed by law.
- 14 (6) Administer oaths when necessary in the discharge of the
 15 clerk's duties, without charging a fee.
- 16 (7) Take depositions, without charging a fee.
- 17 (8) Take acknowledgment of instruments that are required by
 18 statute to be acknowledged, without charging a fee.
- 19 (9) Serve as clerk of the city court under IC 33-35-3-2, if the
 20 judge of the court does not serve as clerk of the court or appoint
 21 a clerk of the court under IC 33-35-3-1.

22 SECTION 231. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE
 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2008]:

25 **Chapter 1.1. Dissolution of Certain Township Governments**

26 **Sec. 1. This chapter does not apply to a township that:**

- 27 (1) is located in a county having a consolidated city; or
- 28 (2) has, before January 1, 2011, reorganized under IC 36-1.5.

29 **Sec. 2. Effective January 1, 2011:**

- 30 (1) the office of township trustee of the township is abolished;
- 31 (2) the township board of the township is abolished; and
- 32 (3) the functions, duties, and responsibilities of the township
 33 trustee are transferred to the county.

34 **Sec. 3. (a) On January 1, 2011, all:**

- 35 (1) assets;
- 36 (2) property rights;
- 37 (3) equipment;
- 38 (4) records;
- 39 (5) personnel (except as otherwise provided by statute); and
- 40 (6) contracts;

41 connected with the operations of a township are transferred to the
 42 county.

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(b) Notwithstanding subsection (a)(5), the county executive shall specify which township employees that provided fire protection services and emergency services before the dissolution of township government under this chapter become county employees responsible for fire protection services and emergency services.

(c) If, as of December 31, 2010, a township has a local board for the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund, that local board is dissolved on January 1, 2011, and the powers, duties, and responsibilities of the local board under IC 36-8-7 or IC 36-8-8, respectively, are assumed by the county's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the county may adopt an ordinance to adjust the membership of the county's local board to reflect the dissolution of the township's local board.

(d) A county shall levy taxes (within the county's maximum permissible ad valorem property tax levy limit) as necessary to provide for the payment of pension benefits:

- (1) to members of the 1937 firefighters' pension fund; and
- (2) for which, before the dissolution of township government under this chapter, the local board of a township in the county was responsible.

Sec. 4. (a) Any indebtedness and any lease rental obligation incurred by a township before January 1, 2011, becomes an obligation of the county in which the township is located and shall be assumed, defeased, paid, or refunded by the county. The county may levy property taxes to pay township indebtedness or lease rental obligations relating to the acquisition of property for firefighting or emergency services only in the area of the county in which the county provides firefighting and emergency services. The county may levy property taxes throughout the county to pay township indebtedness or lease rental obligations relating to purposes other than the acquisition of property for firefighting or emergency services.

(b) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness or lease rental obligations described in subsection (a), the county is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness or lease rental obligations.

(c) Notwithstanding subsections (a) and (b), a county may not

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1 assume all or a part of the indebtedness described in subsection (a)
 2 that will exceed the limitations on the amount of indebtedness that
 3 the county may incur.

4 (d) The rights of the trustee and the bondholders with respect to
 5 any:

- 6 (1) indebtedness described in subsection (a); or
- 7 (2) bond resolution, trust agreement or indenture, security
 8 agreement, purchase agreement, or other undertaking with
 9 respect to indebtedness described in subsection (a);

10 remain the same, although the powers, duties, agreements, and
 11 liabilities of the townships have been transferred to the county, and
 12 the county shall be considered to have assumed all those powers,
 13 duties, agreements, and liabilities.

14 Sec. 5. Beginning January 1, 2011, notwithstanding any other
 15 law to the contrary, the township's distributive share of any state
 16 or local taxes or revenues (other than property taxes) is reduced to
 17 zero (0) and is transferred to the county.

18 Sec. 6. (a) As used in this section:

- 19 (1) "maximum firefighting levy" means the maximum amount
 20 of ad valorem property taxes that a county may impose in a
 21 calendar year for deposit in the county firefighting fund
 22 established under IC 36-8-13.5-3; and
- 23 (2) "maximum general levy" means the maximum permissible
 24 ad valorem property tax levy under IC 6-1.1-18.5.

25 (b) The maximum firefighting levy of a county for ad valorem
 26 property taxes first due and payable in 2011 is the combined
 27 maximum ad valorem property tax levies under IC 6-1.1-18.5:

- 28 (1) of all of the townships in the county to which this chapter
 29 applies for the townships' firefighting funds established under
 30 IC 36-8-13-4 for taxes first due and payable in 2011 that
 31 would have applied if the townships were authorized to
 32 impose levies for that year; and
- 33 (2) applicable to areas of the townships that are not in a fire
 34 protection district under IC 36-8-11 or a fire protection
 35 territory under IC 36-8-19.

36 (c) The maximum general levy of a county for ad valorem
 37 property taxes first due and payable in 2011 is the sum of:

- 38 (1) the maximum general levy of the county for property taxes
 39 first due and payable in 2011 determined without reference to
 40 this section; plus
- 41 (2) the combined maximum general levies for property taxes
 42 first due and payable in 2011 of all the townships in the

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1 county to which this chapter applies that would have applied
 2 if the townships were authorized to impose levies for that
 3 year.

4 (d) The department of local government finance shall determine
 5 the amounts of the levies referred to in this section.

6 Sec. 7. (a) The balance on January 1, 2011, in a debt service
 7 fund of a township:

8 (1) is transferred to the county in which the township is
 9 located; and

10 (2) shall be used by the county to pay indebtedness or lease
 11 rentals for which the fund was established.

12 Any balance remaining in the fund after all payments for
 13 indebtedness or lease rentals required under this section have been
 14 made is transferred to the county general fund.

15 (b) The balance on January 1, 2011, in a township's cumulative
 16 building and equipment fund established under IC 36-8-14 for fire
 17 protection and related services:

18 (1) is transferred to the county in which the township is
 19 located; and

20 (2) shall be used by the county to pay any indebtedness or
 21 lease rentals related to fire protection services due after
 22 December 31, 2010.

23 Any balance remaining in the fund after all payments for
 24 indebtedness or lease rentals required under this section have been
 25 made is transferred to the county building and equipment fund
 26 established under IC 36-8-14-2.

27 (c) The balance on January 1, 2011, in a township's general
 28 fund:

29 (1) is transferred to the county in which the township is
 30 located; and

31 (2) shall be deposited in the county general fund.

32 (d) The balance on January 1, 2011, in a township's township
 33 assistance fund:

34 (1) is transferred to the county in which the township is
 35 located; and

36 (2) shall be deposited in the county township assistance fund.

37 (e) The department of local government finance shall determine
 38 the amounts to be transferred under this section.

39 (f) IC 36-1-8-5 does not apply to a balance referred to in this
 40 section.

41 SECTION 232. IC 36-6-4-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter

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1 applies **only** to ~~all townships~~. **a township in a county having a**
 2 **consolidated city.**

3 SECTION 233. IC 36-6-5-1, AS AMENDED BY P.L.219-2007,
 4 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in
 6 subsection ~~(f)~~; **(e)**, a township assessor shall be elected under
 7 IC 3-10-2-13 by the voters of each township having:

8 (1) a population of more than eight thousand (8,000); or

9 (2) an elected township assessor or the authority to elect a
 10 township assessor before January 1, 1979.

11 **(b)** Except as provided in subsection ~~(f)~~; **(e)**, a township assessor
 12 shall be elected under IC 3-10-2-14 in each township having a
 13 population of more than five thousand (5,000) but not more than eight
 14 thousand (8,000), if the legislative body of the township:

15 (1) by resolution, declares that the office of township assessor is
 16 necessary; and

17 (2) the resolution is filed with the county election board not later
 18 than the first date that a declaration of candidacy may be filed
 19 under IC 3-8-2.

20 ~~(c) Except as provided in subsection (f); a township government that~~
 21 ~~is created by merger under IC 36-6-1.5 shall elect only one (1)~~
 22 ~~township assessor under this section.~~

23 ~~(d)~~ **(c)** The township assessor must reside within the township as
 24 provided in Article 6, Section 6 of the Constitution of the State of
 25 Indiana. The assessor forfeits office if the assessor ceases to be a
 26 resident of the township.

27 ~~(e)~~ **(d)** The term of office of a township assessor is four (4) years,
 28 beginning January 1 after election and continuing until a successor is
 29 elected and qualified. However, the term of office of a township
 30 assessor elected at a general election in which no other township
 31 officer is elected ends on December 31 after the next election in which
 32 any other township officer is elected.

33 ~~(f)~~ **(e)** A person who runs for the office of township assessor in an
 34 election after June 30, 2008, is subject to IC 3-8-1-23.5.

35 SECTION 234. IC 36-6-6-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter
 37 applies **only** to ~~all townships~~. **a township in a county having a**
 38 **consolidated city.**

39 SECTION 235. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
 40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2011]: Sec. 3. ~~(a) This subsection applies to townships~~
 42 ~~in a county containing a consolidated city.~~ One (1) member of the

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legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.

(b) This subsection applies to townships not included in subsection (a) or (c): A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant.

(c) This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

One (1) member of the legislative body must reside within the boundaries of each of the former townships that merged. If a member of the legislative body ceases to be a resident of that former township, the office becomes vacant.

SECTION 236. IC 36-6-6-4, AS AMENDED BY P.L.240-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) Except as provided in subsections (b) and (c), two (2) members of the legislative body constitute a quorum.

(b) Four (4) members of the legislative body in a county containing a consolidated city constitute a quorum.

(c) This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

A majority of the members of the legislative body constitute a quorum. If a township board has an even number of members, the township executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie.

SECTION 237. IC 36-6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies **only to all townships: a township in a county having a consolidated city.**

SECTION 238. IC 36-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies **only to all townships: a township in a county having a consolidated city.**

SECTION 239. IC 36-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 1.5. County Public Safety Coordinating Council

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1 **Sec. 1. This chapter does not apply to a county having a**
 2 **consolidated city.**

3 **Sec. 2. A public safety coordinating council is established in each**
 4 **county.**

5 **Sec. 3. (a) The council consists of the following:**

6 (1) The county sheriff, who serves as the chair of the council.

7 (2) The police chief of each police department serving the
 8 county.

9 (3) The fire chief of each fire department serving the county.

10 (4) An individual to represent emergency medical service
 11 providers serving the county.

12 (5) An individual to represent health care providers serving
 13 the county.

14 (6) An individual to represent any other interest that the
 15 council recommends should be represented on the council.

16 (b) The county executive shall appoint the members of the
 17 council described in subsection (a)(4) through (a)(6). The county
 18 executive may appoint more than one (1) individual to represent a
 19 particular interest if the county executive considers that the
 20 interest deserves representation by more than one (1) individual.

21 (c) An individual appointed to the council under subsection (b)
 22 serves a term of four (4) years. An individual appointed under
 23 subsection (b) may serve consecutive terms.

24 **Sec. 4. The members of the council serve without compensation.**

25 **Sec. 5. The council shall meet at the call of the chair and at other**
 26 **times as the council may determine.**

27 **Sec. 6. The council may adopt rules to govern the council's**
 28 **procedures.**

29 **Sec. 7. The council shall do the following:**

30 (1) Develop and adopt a countywide public safety plan.

31 (2) Meet at least one (1) time each year to review and revise,
 32 if necessary, the county public safety plan.

33 (3) Serve as a forum to discuss public safety issues and resolve
 34 public safety problems within the county.

35 (4) Assist in the coordination of public safety services within
 36 the county and in neighboring counties.

37 (5) Serve as the county's coordinating body with the
 38 department of homeland security established by IC 10-19-2-1
 39 and the counterterrorism and security council established by
 40 IC 10-19-8-1.

41 SECTION 240. IC 36-8-3-0.5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2008]: **Sec. 0.5. After December 31, 2010, this chapter does not apply to the following:**

(1) A township that:

- (A) is located in a county having a consolidated city; and**
- (B) has consolidated the township's fire department under IC 36-3-1-6.1.**

(2) A township that has not reorganized under IC 36-1.5.

SECTION 241. IC 36-8-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) This section also applies to all towns and townships that have full-time, paid police or fire departments **and (after December 31, 2010) counties that have full-time, paid fire departments.** For purposes of this section, the appropriate appointing authority of a town, ~~or~~ township, **or (after December 31, 2010) county** is considered the safety board of a town, ~~or~~ township, **or county.** In a town with a board of metropolitan police commissioners, that board is considered the safety board of the town for police department purposes.

(b) Except as provided in subsection (m), a member of the police or fire department holds office or grade until the member is dismissed or demoted by the safety board. Except as provided in subsection (n), a member may be disciplined by demotion, dismissal, reprimand, forfeiture, or suspension upon either:

- (1) conviction in any court of any crime; or
- (2) a finding and decision of the safety board that the member has been or is guilty of any one (1) or more of the following:
 - (A) Neglect of duty.
 - (B) A violation of rules.
 - (C) Neglect or disobedience of orders.
 - (D) Incapacity.
 - (E) Absence without leave.
 - (F) Immoral conduct.
 - (G) Conduct injurious to the public peace or welfare.
 - (H) Conduct unbecoming an officer.
 - (I) Another breach of discipline.

The safety board may not consider the political affiliation of the member in making a decision under this section. If a member is suspended or placed on administrative leave under this subsection, the member is entitled to the member's allowances for insurance benefits to which the member was entitled before being suspended or placed on administrative leave. In addition, the local unit may provide the member's allowances for any other fringe benefits to which the member was entitled before being suspended or placed on administrative leave.

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(c) Before a member of a police or fire department may be suspended in excess of five (5) days without pay, demoted, or dismissed, the safety board shall offer the member an opportunity for a hearing. If a member desires a hearing, the member must request the hearing not more than five (5) days after the notice of the suspension, demotion, or dismissal. Written notice shall be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The hearing conducted under this subsection shall be held not more than thirty (30) days after the hearing is requested by the member, unless a later date is mutually agreed upon by the parties. The notice must state:

- (1) the time and place of the hearing;
- (2) the charges against the member;
- (3) the specific conduct that comprises the charges;
- (4) that the member is entitled to be represented by counsel;
- (5) that the member is entitled to call and cross-examine witnesses;
- (6) that the member is entitled to require the production of evidence; and
- (7) that the member is entitled to have subpoenas issued, served, and executed in the county where the unit is located.

If the corporation counsel or city attorney is a member of the safety board of a city, the counsel or attorney may not participate as a safety board member in a disciplinary hearing concerning a member of either department. The safety board shall determine if a member of the police or fire department who is suspended in excess of five (5) days shall continue to receive the member's salary during the suspension.

(d) Upon an investigation into the conduct of a member of the police or fire department, or upon the trial of a charge preferred against a member of either department, the safety board may compel the attendance of witnesses, examine them under oath, and require the production of books, papers, and other evidence at a meeting of the board. For this purpose, the board may issue subpoenas and have them served and executed in any part of the county where the unit is located. If a witness refuses to testify or to produce books or papers in the witness's possession or under the witness's control, IC 36-4-6-21 controls to the extent applicable. The proper court may compel compliance with the order by attachment, commitment, or other punishment.

(e) The reasons for the suspension, demotion, or dismissal of a member of the police or fire department shall be entered as specific

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1 findings of fact upon the records of the safety board. A member who is
 2 suspended for a period exceeding five (5) days, demoted, or dismissed
 3 may appeal the decision to the circuit or superior court of the county in
 4 which the unit is located. However, a member may not appeal any other
 5 decision.

6 (f) An appeal under subsection (e) must be taken by filing in court,
 7 within thirty (30) days after the date the decision is rendered, a verified
 8 complaint stating in concise manner the general nature of the charges
 9 against the member, the decision of the safety board, and a demand for
 10 the relief asserted by the member. A bond must also be filed that
 11 guarantees the appeal will be prosecuted to a final determination and
 12 that the plaintiff will pay all costs adjudged against the plaintiff. The
 13 bond must be approved as bonds for costs are approved in other cases.
 14 The unit must be named as the sole defendant, and the plaintiff shall
 15 have a summons issued as in other cases against the unit. Neither the
 16 safety board nor the members of it may be made parties defendant to
 17 the complaint, but all are bound by service upon the unit and the
 18 judgment rendered by the court.

19 (g) In an appeal under subsection (e), no pleading is required by the
 20 unit to the complaint, but the allegations are considered denied. The
 21 unit may file a motion to dismiss the appeal for failure to perfect it
 22 within the time and in the manner required by this section. If more than
 23 one (1) person was included in the same charges and in the same
 24 decision of dismissal by the safety board, then one (1) or more of the
 25 persons may join as plaintiffs in the same complaint, but only the
 26 persons that appeal from the decision are affected by it. The decision
 27 of the safety board is final and conclusive upon all persons not
 28 appealing. The decision appealed from is not stayed or affected
 29 pending the final determination of the appeal, but remains in effect
 30 unless modified or reversed by the final judgment of the court.

31 (h) A decision of the safety board is considered prima facie correct,
 32 and the burden of proof is on the party appealing. All appeals shall be
 33 tried by the court. The appeal shall be heard de novo only upon any
 34 new issues related to the charges upon which the decision of the safety
 35 board was made. The charges are considered to be denied by the
 36 accused person. Within ten (10) days after the service of summons the
 37 safety board shall file in court a complete transcript of all papers,
 38 entries, and other parts of the record relating to the particular case.
 39 Inspection of these documents by the person affected, or by the person's
 40 agent, must be permitted by the safety board before the appeal is filed,
 41 if requested. Each party may produce evidence relevant to the issues
 42 that it desires, and the court shall review the record and decision of the

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1 safety board upon appeal.

2 (i) The court shall make specific findings and state the conclusions
3 of law upon which its decision is made. If the court finds that the
4 decision of the safety board appealed from should in all things be
5 affirmed, its judgment should state that, and judgment for costs shall
6 be rendered against the party appealing. If the court finds that the
7 decision of the safety board appealed from should not be affirmed in all
8 things, then the court shall make a general finding, setting out
9 sufficient facts to show the nature of the proceeding and the court's
10 decision on it. The court shall either:

11 (1) reverse the decision of the safety board; or

12 (2) order the decision of the safety board to be modified.

13 (j) The final judgment of the court may be appealed by either party.
14 Upon the final disposition of the appeal by the courts, the clerk shall
15 certify and file a copy of the final judgment of the court to the safety
16 board, which shall conform its decisions and records to the order and
17 judgment of the court. If the decision is reversed or modified, then the
18 safety board shall pay to the party entitled to it any salary or wages
19 withheld from the party pending the appeal and to which the party is
20 entitled under the judgment of the court.

21 (k) Either party shall be allowed a change of venue from the court
22 or a change of judge in the same manner as such changes are allowed
23 in civil cases. The Indiana Rules of Trial Procedure govern in all
24 matters of procedure upon the appeal that are not otherwise provided
25 for by this section.

26 (l) An appeal takes precedence over other pending litigation and
27 shall be tried and determined by the court as soon as practical.

28 (m) Except as provided in IC 36-5-2-13, the executive may reduce
29 in grade any member of the police or fire department who holds an
30 upper level policy making position. The reduction in grade may be
31 made without adhering to the requirements of subsections (b) through
32 (l). However, a member may not be reduced in grade to a rank below
33 that which the member held before the member's appointment to the
34 upper level policy making position.

35 (n) If the member is subject to criminal charges, the board may
36 place the member on administrative leave until the disposition of the
37 criminal charges in the trial court. Any other action by the board is
38 stayed until the disposition of the criminal charges in the trial court. An
39 administrative leave under this subsection may be with or without pay,
40 as determined by the board. If the member is placed on leave without
41 pay, the board, in its discretion, may award back pay if the member is
42 exonerated in the criminal matter.

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SECTION 242. IC 36-8-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.1. (a) This section also applies to all towns and townships that have full-time, paid police or fire departments **and (after December 31, 2010) counties that have full-time, paid fire departments.** For purposes of this section, the appropriate appointing authority of a town, ~~or~~ township, ~~or~~ county is considered the safety board of ~~a~~ **the** town, ~~or~~ township, ~~or~~ county. In a town with a board of metropolitan police commissioners, that board is considered the safety board of the town.

(b) In addition to the disciplinary powers of the safety board, the chief of the department may, without a hearing, reprimand or suspend without pay a member, including a police radio or signal alarm operator or a fire alarm operator, for a maximum of five (5) working days. For the purposes of this section, eight (8) hours of paid time constitutes one (1) working day. If a chief reprimands a member in writing or suspends a member, the chief shall, within forty-eight (48) hours, notify the board in writing of the action and the reasons for the action. A member who is reprimanded in writing or suspended under this section may, within forty-eight (48) hours after receiving notice of the reprimand or suspension, request in writing that the board review the reprimand or suspension and either uphold or reverse the chief's decision. At its discretion, the board may hold a hearing during this review. If the board holds a hearing, written notice must be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must contain the information listed under section 4(c) of this chapter. If the decision is reversed, the member who was suspended is entitled to any wages withheld as a result of the suspension.

SECTION 243. IC 36-8-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. **Subject to IC 3-5-9-4,** members of the safety board and members of any township, town, or city (including a consolidated city) police department, fire department **(including, after December 31, 2010, a county fire department),** or volunteer fire department (as defined by IC 36-8-12-2) may:

- (1) be candidates for elective office and serve in that office if elected;
- (2) be appointed to any office and serve in that office if appointed;
- and
- (3) as long as they are not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the office for which

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they are candidates.

SECTION 244. IC 36-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) This chapter applies to each municipality or township that has a full-time, paid police or fire department **and, after December 31, 2010, to each county that has a full-time, paid fire department. After December 31, 2010, this chapter does not apply to the following:**

(1) **A township that:**

(A) **is located in a county having a consolidated city; and**

(B) **has consolidated the township's fire department under IC 36-3-1-6.1.**

(2) **A township that has not reorganized under IC 36-1.5.**

(b) A municipality may exercise the power of establishing a merit system for its police or fire department under this chapter or by ordinance adopted under IC 36-1-4-14. **A county may exercise the power of establishing a merit system for the county's fire department under this chapter or by ordinance adopted under IC 36-1-4-14.** A township may exercise the power of establishing a merit system for its fire department under this chapter or by resolution under IC 36-1-4-14. This chapter does not affect merit systems established:

(1) by ordinance under IC 36-1-4-14, except as provided by subsection ~~(e)~~; **(f)**;

(2) by resolution under IC 36-1-4-14, except as provided by subsection ~~(f)~~; **(g)**; or

(3) by a prior statute, except as provided by subsection ~~(b)~~; **(c)**.

~~(b)~~ **(c)** If a city had a merit system for its police or fire department under the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2, IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29, IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5, it may retain that system by ordinance of the city legislative body passed before January 1, 1983. The ordinance must initially incorporate all the provisions of the prior statute but may be amended by the legislative body after December 31, 1984. The ordinance retaining the system must be amended, if necessary, to include a provision under which the commission (or governing board of the merit system) has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must:

(1) be a person of good moral character; and

(2) except for a member of a fire department having a merit system established under IC 19-1-37.5, not be an active member

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of a police or fire department or agency.

~~(c)~~ (d) After December 31, 1984, the legislative body also may repeal the ordinance described in subsection ~~(b)~~; (c), but the legislative body shall in the repealing ordinance concurrently establish a new merit system under section 3 of this chapter. (This subsection does not require the legislative body to establish a new merit system when it exercises its power to amend the ordinance under subsection ~~(b)~~; (c).) After the new merit system takes effect, all members of the department are entitled to the same ranks and pay grades the members held under the prior system, subject to changes made in accordance with this chapter.

~~(d)~~ (e) If a city had a merit system for its police or fire department under a prior statute but fails to retain that system under subsection ~~(b)~~; (c), the city legislative body shall, before July 1, 1983, pass an ordinance to establish a new merit system under section 3 of this chapter. If the new merit system is approved as provided by section 4 of this chapter, it takes effect as provided by that section. However, if the new merit system is rejected under section 4 of this chapter, within thirty (30) days the city legislative body shall adopt an ordinance to retain the prior merit system. The prior merit system remains in effect until the new merit system takes effect, after which time all members of the department are entitled to the same ranks and pay grades the members held under the prior system, subject to changes made in accordance with this chapter.

~~(e)~~ (f) An ordinance adopted under IC 36-1-4-14 to establish a police or fire merit system must include a provision under which the commission, or governing board of the merit system, has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must be a person of good moral character who is not an active member of a police or fire department or agency. If an ordinance was adopted under IC 36-1-4-14 before July 1, 1988, the ordinance must be amended to include this requirement.

~~(f)~~ (g) This chapter does not prevent a township or other unit that has adopted a merit system under section 3 of this chapter from later amending or deleting any provisions of the merit system contained in this chapter. However, the merit system must include a provision under which the commission has at least one-third (1/3) of its members elected by the active members of the department, as set forth in section 8 of this chapter and a provision that incorporates the requirements of section 6(a) of this chapter. This subsection does not require the legislative body to establish a new merit system when it exercises its

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power to amend under this subsection.

SECTION 245. IC 36-8-7-1, AS AMENDED BY P.L.227-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977, in units for which a 1937 fund was established before May 1, 1977.

(b) A firefighter with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if the firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(c) A firefighter is covered by this chapter and not by IC 36-8-8 if the firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1937 fund.

(d) A firefighter who:

(1) is covered by this chapter before a consolidation under IC 36-3-1-6.1; and

(2) becomes a member of a fire department of a consolidated city under IC 36-3-1-6.1;

is covered by this chapter after the effective date of the consolidation, and the firefighter's service as a member of a fire department of a consolidated city is considered active service under this chapter.

(e) A firefighter who:

(1) as of December 31, 2010, is a member of the 1937 fund as a firefighter with a township fire department, fire protection territory, or fire protection district within a county; and

(2) after the dissolution of township government under IC 36-6-1.1, becomes a member of the county fire department;

is covered by this chapter after the firefighter becomes a member of the county fire department, and the firefighter's service as a member of a township fire department, fire protection territory, or fire protection district that was covered under this chapter before January 1, 2011, is considered active service under this chapter.

SECTION 246. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies to:

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(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; ~~and~~

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1; ~~and~~

(9) a full-time, fully paid firefighter who:

(A) as of December 31, 2010, is a member of the 1977 fund

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as a firefighter with a township fire department, fire protection territory, or fire protection district within a county; and

(B) after the dissolution of township government under IC 36-6-1.1, becomes a member of the county fire department;

except as provided by section 7 of this chapter.

SECTION 247. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) This subdivision does not apply to a township:

(A) in a county having a consolidated city; or

(B) that has reorganized under IC 36-1.5.

For a township that established a 1937 fund for its firefighters, "local board" after December 31, 2010, means the local board of the county.

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) If a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

SECTION 248. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), ~~and~~ (m), **and (n)**:

(1) a police officer; or

(2) a firefighter;

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1 who is less than thirty-six (36) years of age and who passes the baseline
 2 statewide physical and mental examinations required under section 19
 3 of this chapter shall be a member of the 1977 fund and is not a member
 4 of the 1925 fund, the 1937 fund, or the 1953 fund.

5 (b) A police officer or firefighter with service before May 1, 1977,
 6 who is hired or rehired after April 30, 1977, may receive credit under
 7 this chapter for service as a police officer or firefighter prior to entry
 8 into the 1977 fund if the employer who rehires the police officer or
 9 firefighter chooses to contribute to the 1977 fund the amount necessary
 10 to amortize the police officer's or firefighter's prior service liability over
 11 a period of not more than forty (40) years, the amount and the period
 12 to be determined by the PERF board. If the employer chooses to make
 13 the contributions, the police officer or firefighter is entitled to receive
 14 credit for the police officer's or firefighter's prior years of service
 15 without making contributions to the 1977 fund for that prior service. In
 16 no event may a police officer or firefighter receive credit for prior years
 17 of service if the police officer or firefighter is receiving a benefit or is
 18 entitled to receive a benefit in the future from any other public pension
 19 plan with respect to the prior years of service.

20 (c) Except as provided in section 18 of this chapter, a police officer
 21 or firefighter is entitled to credit for all years of service after April 30,
 22 1977, with the police or fire department of an employer covered by this
 23 chapter.

24 (d) A police officer or firefighter with twenty (20) years of service
 25 does not become a member of the 1977 fund and is not covered by this
 26 chapter, if the police officer or firefighter:

- 27 (1) was hired before May 1, 1977;
- 28 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 29 of which were repealed September 1, 1981); and
- 30 (3) is rehired after April 30, 1977, by the same employer.

31 (e) A police officer or firefighter does not become a member of the
 32 1977 fund and is not covered by this chapter if the police officer or
 33 firefighter:

- 34 (1) was hired before May 1, 1977;
- 35 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 36 of which were repealed September 1, 1981);
- 37 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 38 and
- 39 (4) was made, before February 1, 1979, a member of a 1925,
- 40 1937, or 1953 fund.

41 (f) A police officer or firefighter does not become a member of the
 42 1977 fund and is not covered by this chapter if the police officer or

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1 firefighter:

2 (1) was hired by the police or fire department of a unit before May
3 1, 1977;

4 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
5 of which were repealed September 1, 1981);

6 (3) is rehired by the police or fire department of another unit after
7 December 31, 1981; and

8 (4) is made, by the fiscal body of the other unit after December
9 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
10 unit.

11 If the police officer or firefighter is made a member of a 1925, 1937, or
12 1953 fund, the police officer or firefighter is entitled to receive credit
13 for all the police officer's or firefighter's years of service, including
14 years before January 1, 1982.

15 (g) As used in this subsection, "emergency medical services" and
16 "emergency medical technician" have the meanings set forth in
17 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

18 (1) is employed by a unit that is participating in the 1977 fund;

19 (2) was employed as an emergency medical technician by a
20 political subdivision wholly or partially within the department's
21 jurisdiction;

22 (3) was a member of the public employees' retirement fund during
23 the employment described in subdivision (2); and

24 (4) ceased employment with the political subdivision and was
25 hired by the unit's fire department due to the reorganization of
26 emergency medical services within the department's jurisdiction;
27 shall participate in the 1977 fund. A firefighter who participates in the
28 1977 fund under this subsection is subject to sections 18 and 21 of this
29 chapter.

30 (h) A police officer or firefighter does not become a member of the
31 1977 fund and is not covered by this chapter if the individual was
32 appointed as:

33 (1) a fire chief under a waiver under IC 36-8-4-6(c); or

34 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

35 unless the executive of the unit requests that the 1977 fund accept the
36 individual in the 1977 fund and the individual previously was a
37 member of the 1977 fund.

38 (i) A police matron hired or rehired after April 30, 1977, and before
39 July 1, 1996, who is a member of a police department in a second or
40 third class city on March 31, 1996, is a member of the 1977 fund.

41 (j) A park ranger who:

42 (1) completed at least the number of weeks of training at the

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Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) Notwithstanding any other provision of this chapter, a firefighter who:

(1) as of December 31, 2010, is a member of the 1977 fund as a firefighter with a township fire department, fire protection territory, or fire protection district within a county; and

(2) after the dissolution of township government under IC 36-6-1.1, becomes a member of the county fire department;

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1 is a member of the 1977 fund without meeting the requirements
 2 under sections 19 and 21 of this chapter. A firefighter described in
 3 this subsection is entitled to receive credit for all years of service as
 4 a member of the 1977 fund before becoming a member of the
 5 county fire department.

6 ~~(m)~~ (n) A police officer or firefighter who is a member of the 1977
 7 fund under subsection (k), ~~or~~ (l), or (m) may not be:

8 (1) retired for purposes of section 10 of this chapter; or

9 (2) disabled for purposes of section 12 of this chapter;
 10 solely because of a change in employer under the consolidation.

11 SECTION 249. IC 36-8-10-11 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) The sheriff may
 13 dismiss, demote, or temporarily suspend a county police officer for
 14 cause after preferring charges in writing and after a fair public hearing
 15 before the board, which is reviewable in the circuit court. Written
 16 notice of the charges and hearing must be delivered by certified mail
 17 to the officer to be disciplined at least fourteen (14) days before the
 18 date set for the hearing. The officer may be represented by counsel. The
 19 board shall make specific findings of fact in writing to support its
 20 decision.

21 (b) The sheriff may temporarily suspend an officer with or without
 22 pay for a period not exceeding fifteen (15) days, without a hearing
 23 before the board, after preferring charges of misconduct in writing
 24 delivered to the officer.

25 (c) A county police officer may not be dismissed, demoted, or
 26 temporarily suspended because of political affiliation nor after the
 27 officer's probationary period, except as provided in this section.
 28 **Subject to IC 3-5-9-4**, an officer may:

29 (1) be a candidate for elective office and serve in that office if
 30 elected;

31 (2) be appointed to an office and serve in that office if appointed;
 32 and

33 (3) except when in uniform or on duty, solicit votes or campaign
 34 funds for the officer or others.

35 (d) The board has subpoena powers enforceable by the circuit court
 36 for hearings under this section. An officer on probation may be
 37 dismissed by the sheriff without a right to a hearing.

38 (e) An appeal under subsection (a) must be taken by filing in court,
 39 within thirty (30) days after the date the decision is rendered, a verified
 40 complaint stating in a concise manner the general nature of the charges
 41 against the officer, the decision of the board, and a demand for the
 42 relief asserted by the officer. A bond must also be filed that guarantees

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the appeal will be prosecuted to a final determination and that the plaintiff will pay all costs only if the court finds that the board's decision should be affirmed. The bond must be approved as bonds for costs are approved in other cases. The county must be named as the sole defendant and the plaintiff shall have a summons issued as in other cases against the county. Neither the board nor the members of it may be made parties defendant to the complaint, but all are bound by service upon the county and the judgment rendered by the court.

(f) All appeals shall be tried by the court. The appeal shall be heard de novo only upon any new issues related to the charges upon which the decision of the board was made. Within ten (10) days after the service of summons, the board shall file in court a complete written transcript of all papers, entries, and other parts of the record relating to the particular case. Inspection of these documents by the person affected, or by the person's agent, must be permitted by the board before the appeal is filed, if requested. The court shall review the record and decision of the board on appeal.

(g) The court shall make specific findings and state the conclusions of law upon which its decision is made. If the court finds that the decision of the board appealed from should in all things be affirmed, its judgment should so state. If the court finds that the decision of the board appealed from should not be affirmed in all things, then the court shall make a general finding, setting out sufficient facts to show the nature of the proceeding and the court's decision on it. The court shall either:

- (1) reverse the decision of the board; or
- (2) order the decision of the board to be modified.

(h) The final judgment of the court may be appealed by either party. Upon the final disposition of the appeal by the courts, the clerk shall certify and file a copy of the final judgment of the court to the board, which shall conform its decisions and records to the order and judgment of the court. If the decision is reversed or modified, then the board shall pay to the party entitled to it any salary or wages withheld from the party pending the appeal and to which the party is entitled under the judgment of the court.

(i) Either party shall be allowed a change of venue from the court or a change of judge in the same manner as such changes are allowed in civil cases. The rules of trial procedure govern in all matters of procedure upon the appeal that are not otherwise provided for by this section.

(j) An appeal takes precedence over other pending litigation and shall be tried and determined by the court as soon as practical.

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SECTION 250. IC 36-8-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) A county legislative body may establish fire protection districts for any of the following purposes:

(1) Fire protection, including the capability for extinguishing all fires that might be reasonably expected because of the types of improvements, personal property, and real property within the boundaries of the district.

(2) Fire prevention, including identification and elimination of all potential and actual sources of fire hazard.

(3) Other purposes or functions related to fire protection and fire prevention.

(b) Any area may be established as a fire protection district, but one (1) part of a district may not be completely separate from another part. A municipality may be included in a district, but only if it consents by ordinance, unless a majority of the freeholders of the municipality have petitioned to be included in the district.

(c) Except as provided in subsection (d), the territory of a district may consist of:

(1) one (1) or more townships and parts of one (1) or more townships in the same county; or

(2) all of the townships in the same county.

The boundaries of a district need not coincide with those of other political subdivisions.

(d) The territory of a district may consist of a municipality that is located in more than one (1) county.

(e) The dissolution of township government under IC 36-6-1.1 and the transfer of fire protection responsibilities to counties under IC 36-2-21 and IC 36-8-13.5 (effective January 1, 2011) does not:

(1) terminate or otherwise affect a fire protection district in existence under this chapter as of December 31, 2010; or

(2) terminate or otherwise affect the authority of a county legislative body to establish fire protection districts under this chapter.

SECTION 251. IC 36-8-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) The board:

(1) has the same powers and duties as a township executive **(before January 1, 2011) or county executive (after December 31, 2010)** with respect to fire protection functions, including those duties and powers prescribed by IC 36-8-13 **(before January 1, 2011) or IC 36-8-13.5 (after December 31, 2010)**, although all cooperative and joint actions permitted by that chapter must be

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undertaken according to this chapter;

(2) has the same powers and duties as a township executive **(before January 1, 2011) or county executive (after December 31, 2010)** relative to contracting with volunteer firefighting companies, as prescribed by IC 36-8-12, ~~and~~ IC 36-8-13 **(before January 1, 2011), or IC 36-8-13.5 (after December 31, 2010);**

(3) shall appoint, fix the compensation, and prescribe the duties of a fiscal officer, secretarial staff, persons performing special and temporary services or providing legal counsel, and other personnel considered necessary for the proper functioning of the district; however, a person appointed as fiscal officer must be bonded by good and sufficient sureties in an amount ordered by the county legislative body to protect the district from financial loss;

(4) shall exercise general supervision of and make regulations for the administration of the district's affairs;

(5) shall prescribe uniform rules pertaining to investigations and hearings;

(6) shall supervise the fiscal affairs and responsibilities of the district;

(7) may delegate to employees of the district the authority to perform ministerial acts, except in cases in which final action of the board is necessary;

(8) shall keep accurate and complete records of all departmental proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents of the district;

(9) shall make an annual report to the executive and the fiscal body of the county that at least lists the financial transactions of the district and a statement of the progress in accomplishing the purposes for which the district has been established;

(10) shall adopt a seal and certify all official acts;

(11) may sue and be sued collectively by its legal name ("Board of Fire Trustees, _____ Fire Protection District"), with service of process made on the chairman of the board, but costs may not be taxed against the members individually in an action;

(12) may invoke any legal, equitable, or special remedy for the enforcement of this chapter or of proper action of the board taken in a court;

(13) shall prepare and submit to the fiscal body of the county an annual budget for operation and maintenance expenses and for the retirement of obligations of the district, subject to review and

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approval by the fiscal body;

(14) may, if advisable, establish one (1) or more advisory committees;

(15) may enter into agreements with and accept money from a federal or state agency and enter into agreements with a municipality located within or outside the district, whether or not the municipality is a part of the district, for a purpose compatible with the purposes for which the district exists and with the interests of the municipality;

(16) may accept gifts of money or other property to be used for the purposes for which the district is established;

(17) may levy taxes at a uniform rate on the real and personal property within the district;

(18) may issue bonds and tax anticipation warrants;

(19) may incur other debts and liabilities;

(20) may purchase or rent property;

(21) may sell services or property that are produced incident to the operations of the district making a fair and reasonable charge for it;

(22) may make contracts or otherwise enter into agreements with public or private persons and federal or state agencies for construction, maintenance, or operations of or in part of the district;

(23) may receive and disburse money; and

(24) may impose a false alarm fee or service charge under IC 36-8-13-4 **or, after December 31, 2010, IC 36-8-13.5-3.**

(b) Powers granted by this chapter may be used only to accomplish the purpose or purposes as stated in the ordinance or resolution establishing the district. However, an act of the board necessary and proper to accomplish the purposes for which the district is established is not invalid because it incidentally accomplishes a purpose other than one for which the district is established.

SECTION 252. IC 36-8-11-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. The department of local government finance, when approving a rate and levy fixed by the board, shall verify that a duplication of tax levies does not exist between a fire protection district and a municipality, ~~or~~ township, **or, after December 31, 2010, county** within the boundaries of the district, so that taxpayers do not bear two (2) levies for the same service, except as provided by section 20 of this chapter.

SECTION 253. IC 36-8-11-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. This chapter does

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not require a municipality, ~~or~~ township, **or, after December 31, 2010,** county to disband its fire department unless its legislative body consents by ordinance.

SECTION 254. IC 36-8-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. Except as provided in section 10 of this chapter, this chapter applies **as follows:**

(1) Before January 1, 2011, to all units except counties.

(2) After December 31, 2010, to all units except a township that:

(A) is located in a county having a consolidated city; and

(B) has consolidated the township's fire department under IC 36-3-1-6.1.

SECTION 255. IC 36-8-12-13, AS AMENDED BY P.L.107-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) A volunteer fire department may impose a charge on the owner of property, the owner of a vehicle, or a responsible party (as defined in IC 13-11-2-191(d)) that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire (as defined in IC 13-11-2-96(b)):

(1) that is responded to by the volunteer fire department; and

(2) that members of that volunteer fire department assisted in extinguishing, containing, or cleaning up.

(b) The volunteer fire department shall bill the owner or responsible party of the vehicle for the total dollar value of the assistance that was provided, with that value determined by a method that the state fire marshal shall establish under IC 36-8-12-16. A copy of the fire incident report to the state fire marshal must accompany the bill. This billing must take place within thirty (30) days after the assistance was provided. The owner or responsible party shall remit payment directly to the governmental unit providing the service. Any money that is collected under this section may be:

(1) deposited in:

(A) before January 1, 2011, the township firefighting fund established in IC 36-8-13-4;

(B) after December 31, 2010, the township firefighting fund established under IC 36-8-13-4 in the case of a township:

(i) that is located in a county having a consolidated city and that has not consolidated the township's fire department under IC 36-3-1-6.1; or

(ii) that has reorganized under IC 36-1.5; or

(C) after December 31, 2010, the county firefighting fund established under IC 36-8-13.5-3 (in the case of a county

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1 **containing a township that has not reorganized under**
 2 **IC 36-1.5);**

3 (2) used to pay principal and interest on a loan made by the
 4 department of homeland security established by IC 10-19-2-1 or
 5 a division of the department for the purchase of new or used
 6 firefighting and other emergency equipment or apparatus; or

7 (3) used for the purchase of equipment, buildings, and property
 8 for firefighting, fire protection, and other emergency services.

9 (c) The volunteer fire department may maintain a civil action to
 10 recover an unpaid charge that is imposed under subsection (a).

11 SECTION 256. IC 36-8-12-16, AS AMENDED BY P.L.107-2007,
 12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2008]: Sec. 16. (a) A volunteer fire department that provides
 14 service within a jurisdiction served by the department may establish a
 15 schedule of charges for the services that the department provides not
 16 to exceed the state fire marshal's recommended schedule for services.
 17 The volunteer fire department or its agent may collect a service charge
 18 according to this schedule from the owner of property that receives
 19 service if the following conditions are met:

20 (1) At the following times, the department gives notice under
 21 IC 5-3-1-4(d) in each political subdivision served by the
 22 department of the amount of the service charge for each service
 23 that the department provides:

24 (A) Before the schedule of service charges is initiated.

25 (B) When there is a change in the amount of a service charge.

26 (2) The property owner has not sent written notice to the
 27 department to refuse service by the department to the owner's
 28 property.

29 (3) The bill for payment of the service charge:

30 (A) is submitted to the property owner in writing within thirty
 31 (30) days after the services are provided; and

32 (B) includes a copy of a fire incident report in the form
 33 prescribed by the state fire marshal, if the service was
 34 provided for an event that requires a fire incident report.

35 (b) A volunteer fire department shall use the revenue collected from
 36 the fire service charges under this section for:

37 (1) the purchase of equipment, buildings, and property for
 38 firefighting, fire protection, or other emergency services;

39 (2) deposit in:

40 (A) **before January 1, 2011**, the township firefighting fund
 41 established under IC 36-8-13-4;

42 (B) **after December 31, 2010**, the township firefighting fund

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established under IC 36-8-13-4 in the case of a township:

(i) that is located in a county having a consolidated city and that has not consolidated the township's fire department under IC 36-3-1-6.1; or

(ii) that has reorganized under IC 36-1.5; or

(C) after December 31, 2010, the county firefighting fund established under IC 36-8-13.5-3 (in the case of a county containing a township that has not reorganized under IC 36-1.5); or

(3) to pay payment of principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

(c) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the schedule of service charges established under subsection (a) before the schedule of service charges is initiated in that political subdivision.

(d) A volunteer fire department that:

(1) has contracted with a political subdivision to provide fire protection or emergency services; and

(2) charges for services under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of service charges collected during the previous calendar year and how those funds have been expended.

(e) The state fire marshal shall annually prepare and publish a recommended schedule of service charges for fire protection services.

(f) The volunteer fire department or its agent may maintain a civil action to recover an unpaid service charge under this section.

SECTION 257. IC 36-8-12-17, AS AMENDED BY P.L.107-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) If a political subdivision has not imposed its own false alarm fee or service charge, a volunteer fire department that provides service within the jurisdiction may establish a service charge for responding to false alarms. The volunteer fire department may collect the false alarm service charge from the owner of the property if the volunteer fire department dispatches firefighting apparatus or personnel to a building or premises in the township political subdivision in response to:

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(1) an alarm caused by improper installation or improper maintenance; or

(2) a drill or test, if the fire department is not previously notified that the alarm is a drill or test.

However, if the owner of property that constitutes the owner's residence establishes that the alarm is under a maintenance contract with an alarm company and that the alarm company has been notified of the improper installation or maintenance of the alarm, the alarm company is liable for the payment of the fee or service charge.

(b) Before establishing a false alarm service charge, the volunteer fire department must provide notice under IC 5-3-1-4(d) in each political subdivision served by the department of the amount of the false alarm service charge. The notice required by this subsection must be given:

(1) before the false alarm service charge is initiated; and

(2) before a change in the amount of the false alarm service charge.

(c) A volunteer fire department may not collect a false alarm service charge from a property owner or alarm company unless the department's bill for payment of the service charge:

(1) is submitted to the property owner in writing within thirty (30) days after the false alarm; and

(2) includes a copy of a fire incident report in the form prescribed by the state fire marshal.

(d) A volunteer fire department shall use the money collected from the false alarm service charge imposed under this section:

(1) for the purchase of equipment, buildings, and property for fire fighting, fire protection, or other emergency services;

(2) for deposit in:

(A) before January 1, 2011, the township firefighting fund established under IC 36-8-13-4;

(B) after December 31, 2010, the township firefighting fund established under IC 36-8-13-4 in the case of a township:

(i) that is located in a county having a consolidated city and that has not consolidated the township's fire department under IC 36-3-1-6.1; or

(ii) that has reorganized under IC 36-1.5; or

(C) after December 31, 2010, the county firefighting fund established under IC 36-8-13.5-3 (in the case of a county containing a township that has not reorganized under IC 36-1.5); or

(3) to pay principal and interest on a loan made by the department

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of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

(e) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the false alarm service charge established under subsection (a) before the service charge is initiated in that political subdivision.

(f) A volunteer fire department that:

(1) has contracted with a political subdivision to provide fire protection or emergency services; and

(2) imposes a false alarm service charge under this section; must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of false alarm charges collected during the previous calendar year and how those funds have been expended.

(g) The volunteer fire department may maintain a civil action to recover unpaid false alarm service charges imposed under this section.

SECTION 258. IC 36-8-13-1, AS AMENDED BY P.L.227-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies to ~~all townships~~ a township:

(1) in a county that contains a consolidated city; or

(2) that has reorganized under IC 36-1.5.

However, this chapter does not apply to a township in which the fire department of the township has been consolidated under IC 36-3-1-6.1.

SECTION 259. IC 36-8-13.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]:

Chapter 13.5. County Fire Protection and Emergency Services

Sec. 1. This chapter does not apply to any of the following:

(1) A county having a consolidated city.

(2) A county that has a fire protection district under IC 36-8-11 that includes the total combined area of all the unincorporated area of the county.

(3) A county that is a participating unit (as defined in IC 36-8-19-2) in a fire protection territory that includes all the unincorporated area of the county.

(4) A township that has reorganized under IC 36-1.5.

Sec. 2. (a) The executive of a county, with the approval of the

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legislative body, may do the following in carrying out the county's responsibility under IC 36-2-21 to provide fire protection services:

(1) Purchase firefighting and emergency services apparatus and equipment for the county, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the county but outside the corporate boundaries of municipalities, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. Preference in employment under this section shall be given according to the following priority:

(A) A war veteran who has been honorably discharged from the United States armed forces.

(B) A person whose mother or father was a:

(i) firefighter of a unit;

(ii) municipal police officer; or

(iii) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

A person described in this subdivision may not receive a preference for employment unless the person applies for employment and meets all employment requirements prescribed by law, including physical and age requirements, and all employment requirements prescribed by the fire department.

(2) Contract with a municipality in the county or in a contiguous county that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services in the county in accordance with IC 36-1-7.

(3) Cooperate with a municipality in the county or in a contiguous county in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and county in accordance with IC 36-1-7.

(4) Contract with a volunteer fire department that has been organized to fight fires in the county for the use and operation of firefighting apparatus and equipment that has been purchased by the county in order to save the private and public property of the county from destruction by fire, including use of the apparatus and equipment in an adjoining county by the department if the department has made a contract with the executive of the adjoining county to furnish

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1 firefighting service within the county.

2 (5) Contract with a volunteer fire department that maintains
3 adequate firefighting service in accordance with IC 36-8-12.

4 (b) This subsection applies only to counties that provide fire
5 protection or emergency services, or both, under subsection (a)(1)
6 and to municipalities whose municipal territory is completely
7 within a county and that do not have a full-time, paid fire
8 department. A county may provide fire protection or emergency
9 services, or both, without contracts inside the corporate boundaries
10 of the municipalities if before July 1 of a year the following occur:

11 (1) The legislative body of the municipality adopts an
12 ordinance to have the county provide the services without a
13 contract.

14 (2) The county legislative body passes a resolution approving
15 the county's provision of the services without contracts to the
16 municipality.

17 In a county providing services to a municipality under this section,
18 the legislative body of either the county or a municipality in the
19 county may opt out of participation under this subsection by
20 adopting an ordinance or a resolution, respectively, before July 1
21 of a year.

22 Sec. 3. (a) For each calendar year after 2011, each county shall
23 annually establish a county firefighting fund that is to be the
24 exclusive fund used by the county for the payment of costs
25 attributable to providing fire protection or emergency services
26 under the methods prescribed in section 2 of this chapter and for
27 no other purposes. The money in the fund may be paid out by the
28 county executive with the consent of the county legislative body.

29 (b) Each county may levy, for each year, a tax for the county
30 firefighting fund. Other than a county providing fire protection or
31 emergency services, or both, to municipalities in the county under
32 section 2(b) of this chapter, the tax levy is on all taxable real and
33 personal property in the county that is outside the corporate
34 boundaries of municipalities and that is not included in a fire
35 protection territory or fire protection district. Subject to the levy
36 limitations contained in IC 6-1.1-18.5-18.5, the county levy is to be
37 in an amount sufficient to pay all costs attributable to fire
38 protection and emergency services that are not paid from other
39 revenues available to the fund. The tax rate and levy shall be
40 established in accordance with the procedures set forth in
41 IC 6-1.1-17.

42 (c) In addition to the tax levy and service charges received

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under IC 36-8-12-13 and IC 36-8-12-16, the executive may accept donations to the county for firefighting and other emergency services and shall place the donations in the fund, keeping an accurate record of the sums received. A person may also donate partial payment of any purchase of firefighting or other emergency services equipment made by the county.

(d) If a fire department serving a county dispatches fire apparatus or personnel to a building or premises in the county in response to:

(1) an alarm caused by improper installation or improper maintenance; or

(2) a drill or test, if the fire department is not previously notified that the alarm is a drill or test;

the county may impose a fee or service charge upon the owner of the property. However, if the owner of property that constitutes the owner's residence establishes that the alarm is under a maintenance contract with an alarm company and that the alarm company has been notified of the improper installation or maintenance of the alarm, the alarm company is liable for the payment of the fee or service charge.

(e) The amount of a fee or service charge imposed under subsection (d) shall be determined by the county legislative body. All money received by the county from the fee or service charge must be deposited in the county's firefighting fund.

Sec. 4. (a) This section applies to a county that provides fire protection or emergency services, or both, to a municipality in the county under section 2(b) of this chapter.

(b) With the consent of the county legislative body, the county executive shall pay the expenses for fire protection and emergency services in the county, both inside and outside the corporate boundaries of participating municipalities, from any combination of the following county funds, regardless of when the funds were established:

(1) The county firefighting fund under section 3(a) of this chapter.

(2) The cumulative building and equipment fund under IC 36-8-14.

(3) The debt fund for taxes levied under sections 7 and 8 of this chapter.

(c) Subject to the levy limitations contained in IC 6-1.1-18.5, the tax rate and levy for the county firefighting fund, the cumulative building and equipment fund, or the debt fund are to be in an

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1 amount sufficient to pay all costs attributable to fire protection or
 2 emergency services that are provided to the county and the
 3 participating municipalities that are not paid from other available
 4 revenues. The tax rate and levy for each fund shall be established
 5 in accordance with the procedures set forth in IC 6-1.1-17 and
 6 apply both inside and outside the corporate boundaries of
 7 participating municipalities.

8 (d) The county executive may accept donations for firefighting
 9 and emergency services. The county executive shall place donations
 10 in the county firefighting fund. A person may donate partial
 11 payment of a purchase of firefighting or emergency services
 12 equipment made by the county.

13 Sec. 5. (a) For counties and municipalities that elect to have the
 14 county provide fire protection and emergency services under
 15 section 2(b) of this chapter, the department of local government
 16 finance shall adjust each county's and each municipality's
 17 maximum permissible ad valorem property tax levy in the year
 18 following the year in which the change is elected, as determined
 19 under IC 6-1.1-18.5-3, to reflect the change from providing fire
 20 protection under a contract between the municipality and the
 21 county to allowing the county to impose a property tax levy on the
 22 taxable property located within the corporate boundaries of each
 23 municipality. Each municipality's maximum permissible ad
 24 valorem property tax levy shall be reduced by the amount of the
 25 municipality's property tax levy that was imposed by the
 26 municipality to meet the obligations to the county under the fire
 27 protection contract. The county's maximum permissible ad
 28 valorem property tax levy shall be increased by the product of:

29 (1) one and five-hundredths (1.05); multiplied by

30 (2) the amount the county received:

31 (A) in the year in which the change is elected; and

32 (B) as fire protection contract payments from all
 33 municipalities whose levy is decreased under this section.

34 (b) For purposes of determining a county's or municipality's
 35 maximum permissible ad valorem property tax levy under
 36 IC 6-1.1-18.5-3 for years following the first year after the year in
 37 which the change is elected, a county's or municipality's maximum
 38 permissible ad valorem property tax levy is the levy after the
 39 adjustment made under subsection (a).

40 Sec. 6. After a sufficient appropriation has been made and
 41 approved and is available for the purchase of firefighting
 42 apparatus and equipment, including housing, a county executive,

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with the approval of the county legislative body, may purchase firefighting apparatus and equipment for the county on an installment conditional sale or mortgage contract running for a period not exceeding:

(1) six (6) years; or

(2) fifteen (15) years for a county that is purchasing the firefighting equipment with funding from the:

(A) state or its instrumentalities; or

(B) federal government or its instrumentalities.

The purchase shall be amortized in equal or approximately equal installments payable on January 1 and July 1 each year.

Sec. 7. (a) Subject to section 8 of this chapter, the executive and legislative body, on behalf of the county, also may borrow the necessary money from a financial institution in Indiana to make the purchase on the same terms. The executive and legislative body shall, on behalf of the county, execute and deliver to the institution the negotiable note or bond of the county for the sum borrowed. The note or bond must bear interest, with both principal and interest payable in equal or approximately equal installments on January 1 and July 1 each year over a period not exceeding six (6) years.

(b) The first installment of principal and interest on a contract, chattel mortgage, note, or bond is due on the next January 1 or July 1 following the first tax collection for which it is possible for the county to levy a tax. The executive and legislative body shall appropriate and levy a tax each year sufficient to pay the obligation according to its terms. An obligation of the county executed under this chapter is a valid and binding obligation of the county, notwithstanding any tax limitation, debt limitation, bonding, borrowing, or other statute to the contrary.

Sec. 8. (a) If the executive and the legislative body determine that money should be borrowed under section 7 of this chapter, not less than ten (10) taxpayers in the county who disagree with the determination may file a petition in the office of the county auditor not more than thirty (30) days after notice of the determination is given. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the borrowing to be unnecessary or unwise.

(b) The county auditor shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the

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department of local government finance shall fix a date, time, and place for a hearing on the matter. The hearing shall be held not less than five (5) and not more than thirty (30) days after the receipt of the certified documents.

(c) The hearing shall be held in the county from which the petition arose.

(d) The department of local government finance shall give notice of the meeting by letter to the county and to the first ten (10) taxpayer petitioners listed on the petition. The letter shall be sent to each of the first ten (10) taxpayer petitioners at the taxpayer's usual place of residence at least five (5) days before the date of the hearing.

(e) A:

(1) taxpayer who signed a petition filed under subsection (a);
or

(2) county against which a petition under subsection (a) is filed;

may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the date of the department's final determination.

Sec. 9. (a) All purchases of firefighting apparatus and equipment shall be made in the manner provided by statute for the purchase of county supplies. If the amount involved is sufficient to require notice under statutes for bids in connection with the purchase of apparatus or equipment, the notice must offer all bidders the opportunity of proposing to sell the apparatus or equipment to the county upon a conditional sale or mortgage contract.

(b) A bidder proposing to sell on a conditional sale or mortgage contract shall state in the bidder's bid the proposed interest rate and terms of the conditional sale or contract, to be considered by the county executive and legislative body in determining the best bid received.

(c) All bids submitted must specify the cash price at which the bidder proposes to sell the apparatus or equipment to the county so that the executive and legislative body may determine whether it is in the best interest of the county to purchase the apparatus or equipment on the terms of a conditional sale or mortgage contract proposed by the bidder or to purchase the apparatus or equipment for cash if sufficient funds are available or can be raised by negotiating a loan with a financial institution in accordance with

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1 this section.

2 **Sec. 10. A county having a regularly organized fire department**
 3 **employing full-time firefighters may procure at the county's**
 4 **expense:**

5 (1) **an insurance policy for each member of the department**
 6 **insuring the member against loss of life or dismemberment**
 7 **while in the performance of regularly assigned duties; and**

8 (2) **group insurance providing supplemental income**
 9 **protection for a member of the department who has been**
 10 **injured during the course of employment.**

11 **The insurance coverage shall be selected with the consent of the**
 12 **members and is supplemental to other benefits provided the**
 13 **injured member by law.**

14 **Sec. 11. (a) A county shall pay for the care of a full-time, paid**
 15 **firefighter who:**

16 (1) **suffers an injury; or**

17 (2) **contracts an illness;**

18 **during the performance of the firefighter's duty.**

19 (b) **The county shall pay for the following expenses incurred by**
 20 **a firefighter described in subsection (a):**

21 (1) **Medical and surgical care.**

22 (2) **Medicines and laboratory, curative, and palliative agents**
 23 **and means.**

24 (3) **X-ray, diagnostic, and therapeutic services, including**
 25 **during the recovery period.**

26 (4) **Hospital and special nursing care if the physician or**
 27 **surgeon in charge considers it necessary for proper recovery.**

28 (c) **Expenditures required by subsection (a) shall be paid from**
 29 **the county firefighting fund established under section 3 of this**
 30 **chapter.**

31 (d) **A county that has paid for the care of a firefighter under**
 32 **subsection (a) has a cause of action for reimbursement of the**
 33 **amount paid under subsection (a) against any third party against**
 34 **whom the firefighter has a cause of action for an injury sustained**
 35 **because of, or an illness caused by, the third party. The county's**
 36 **cause of action under this subsection is in addition to, and not in**
 37 **lieu of, the cause of action of the firefighter against the third party.**

38 **Sec. 12. Notwithstanding section 3 of this chapter, a county**
 39 **fiscal body may after December 31, 2010, authorize the county**
 40 **executive to borrow a specified sum from a county fund other than**
 41 **the county firefighting fund if the county fiscal body finds that the**
 42 **emergency requiring the expenditure of money is related to paying**

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the operating expenses of a county fire department or a volunteer fire department. The county fiscal body shall provide for payment of the debt by imposing a levy to the credit of the fund from which the amount was borrowed under this subsection.

SECTION 260. IC 36-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies to ~~all the following~~ units: ~~except counties~~:

- (1) A municipality.
- (2) A township in a county that has a consolidated city.
- (3) A township that has reorganized under IC 36-1.5.
- (4) A county that:
 - (A) does not have a consolidated city;
 - (B) does not have a fire protection district under IC 36-8-11 that includes the total combined area of all of the townships in the county; and
 - (C) is not a participating unit (as defined in IC 36-8-19-2) in a fire protection territory that includes all of the unincorporated area of the county.

SECTION 261. IC 36-8-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) As used in this section, "emergency medical services" has the meaning set forth in IC 16-18-2-110.

(b) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(c) The legislative body of a unit or the board of fire trustees of a fire protection district may provide a cumulative building and equipment fund under IC 6-1.1-41 for the following purposes:

- (1) The:
 - (A) purchase, construction, renovation, or addition to buildings; or
 - (B) purchase of land;
 used by the fire department or a volunteer fire department serving the unit.
- (2) The purchase of firefighting equipment for use of the fire department or a volunteer fire department serving the unit, including making the required payments under a lease rental with option to purchase agreement made to acquire the equipment.
- (3) In a municipality, the purchase of police radio equipment.
- (4) The:
 - (A) purchase, construction, renovation, or addition to a building;
 - (B) purchase of land; or

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1 (C) purchase of equipment;
 2 for use of a provider of emergency medical services under
 3 IC 16-31-5 to the unit establishing the fund.

4 (d) In addition to the requirements of IC 6-1.1-41, before a
 5 cumulative fund may be established by a township fire protection
 6 district, the county legislative body which appoints the trustees of the
 7 fire protection district must approve the establishment of the fund.

8 **(e) There is established effective January 1, 2011, in each county**
 9 **referred to in section 1(4) of this chapter a cumulative building and**
 10 **equipment fund. The adoption and approval provisions of**
 11 **IC 6-1.1-41 do not apply to the establishment of the fund under this**
 12 **subsection. The tax levy provisions of IC 6-1.1-41 apply to the fund.**

13 SECTION 262. IC 36-8-14-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) To provide for
 15 the cumulative building and equipment fund established under this
 16 chapter, the legislative body may levy a tax on all taxable property
 17 within the taxing district in compliance with IC 6-1.1-41. The tax rate
 18 may not exceed three and thirty-three hundredths cents (\$0.0333) on
 19 each one hundred dollars (\$100) of assessed valuation of property in
 20 the taxing district.

21 (b) As the tax is collected, it shall be deposited in a qualified public
 22 depository or depositories and held in a special fund to be known as:

23 (1) the "building or remodeling, firefighting, and police radio
 24 equipment fund" in the case of a municipality; or ~~as~~

25 (2) the "building or remodeling and fire equipment fund" in the
 26 case of a township, **county (after December 31, 2010)**, or fire
 27 protection district.

28 SECTION 263. IC 36-8-19-1.7 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2008]: Sec. 1.7. (a) **Except as otherwise**
 31 **provided, the dissolution of township government under**
 32 **IC 36-6-1.1 and the transfer of fire protection responsibilities to**
 33 **counties under IC 36-2-21 and IC 36-8-13.5 (effective January 1,**
 34 **2011) does not terminate or otherwise affect a fire protection**
 35 **territory in existence under this chapter as of December 31, 2010.**

36 (b) **This subsection applies to a county not having a consolidated**
 37 **city. The following apply on and after January 1, 2011, if a**
 38 **township in the county is a participating unit as of December 31,**
 39 **2010:**

40 (1) **The township ceases to be a participating unit.**

41 (2) **The county shall become a participating unit and shall**
 42 **assume the powers, duties, rights, responsibilities, and**

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obligations previously held by the township that was a participating unit (including the township's share of any debt issued under this chapter).

(3) The department of local government finance shall make any necessary adjustments to the maximum permissible ad valorem property tax levy for the county firefighting fund to take into account the transfer of powers, duties, rights, responsibilities, and obligations under this subsection.

(c) This subsection applies to a fire protection territory:

(1) that is located in a county not having a consolidated city;

(2) that includes only unincorporated area within a county; and

(3) in which the only participating units are townships located within the county.

A fire protection territory subject to this subsection as of December 31, 2010, is terminated on January 1, 2011, and the county shall assume the responsibilities and obligations previously held by the townships that were participating units (including the townships' share of any debt issued under this chapter). The department of local government finance shall make any necessary adjustments to the maximum permissible ad valorem property tax levy for the county firefighting fund to take into account the transfer of responsibilities and obligations under this subsection.

SECTION 264. IC 36-8-19-8, AS AMENDED BY P.L.47-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) Upon the adoption of identical ordinances or resolutions, or both, by the participating units under section 6 of this chapter, the designated provider unit must establish a fire protection territory fund from which all expenses of operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies, contingencies, and all other expenses lawfully incurred within the territory shall be paid. The purposes described in this subsection are the sole purposes of the fund, and money in the fund may not be used for any other expenses. Except as allowed in subsections (d) and (e) and section 8.5 of this chapter, the provider unit is not authorized to transfer money out of the fund at any time.

(b) The fund consists of the following:

(1) All receipts from the tax imposed under this section.

(2) Any money transferred to the fund by the provider unit as authorized under subsection (d).

(3) Any receipts from a false alarm fee or service charge imposed

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by the participating units under IC 36-8-13-4 **or, after December 31, 2010, IC 36-8-13-3.**

(c) The provider unit, with the assistance of each of the other participating units, shall annually budget the necessary money to meet the expenses of operation and maintenance of the fire protection services within the territory, plus a reasonable operating balance, not to exceed twenty percent (20%) of the budgeted expenses. After estimating expenses and receipts of money, the provider unit shall establish the tax levy required to fund the estimated budget. The amount budgeted under this subsection shall be considered a part of each of the participating unit's budget.

(d) If the amount levied in a particular year is insufficient to cover the costs incurred in providing fire protection services within the territory, the provider unit may transfer from available sources to the fire protection territory fund the money needed to cover those costs. In this case:

(1) the levy in the following year shall be increased by the amount required to be transferred; and

(2) the provider unit is entitled to transfer the amount described in subdivision (1) from the fund as reimbursement to the provider unit.

(e) If the amount levied in a particular year exceeds the amount necessary to cover the costs incurred in providing fire protection services within the territory, the levy in the following year shall be reduced by the amount of surplus money that is not transferred to the equipment replacement fund established under section 8.5 of this chapter. The amount that may be transferred to the equipment replacement fund may not exceed five percent (5%) of the levy for that fund for that year. Each participating unit must agree to the amount to be transferred by adopting an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) that specifies an identical amount to be transferred.

(f) The tax under this section is not subject to the tax levy limitations imposed on civil taxing units under IC 6-1.1-18.5 for any unit that is a participating unit in a fire protection territory that was established before August 1, 2001.

(g) This subsection applies to a participating unit in a fire protection territory established under ~~IC 36-8-19~~ **this chapter** after July 31, 2001. For purposes of calculating a participating unit's maximum permissible ad valorem property tax levy for the three (3) calendar years in which the participating unit levies a tax to support the territory, the unit's maximum permissible ad valorem property tax levy for the preceding

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1 calendar year under IC 6-1.1-18.5-3(a) STEP ONE or
 2 IC 6-1.1-18.5-3(b) STEP ONE is increased each year by an amount
 3 equal to the difference between the:

4 (1) amount the unit will have to levy for the ensuing calendar year
 5 in order to fund the unit's share of the fire protection territory
 6 budget for the operating costs as provided in the ordinance or
 7 resolution making the unit a participating unit in the fire
 8 protection territory; and

9 (2) unit's levy for fire protection services for the calendar year that
 10 immediately precedes the ensuing calendar year in which the
 11 participating unit levies a tax to support the territory.

12 SECTION 265. IC 36-9-3-5, AS AMENDED BY P.L.70-2007,
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2008]: Sec. 5. (a) An authority is under the control of a board
 15 (referred to as "the board" in this chapter) that, except as provided in
 16 subsections (b) and (c), consists of:

17 (1) two (2) members appointed by the executive of each county in
 18 the authority;

19 (2) one (1) member appointed by the executive of the largest
 20 municipality in each county in the authority;

21 (3) one (1) member appointed by the executive of each second
 22 class city in a county in the authority; and

23 (4) one (1) member from any other political subdivision that has
 24 public transportation responsibilities in a county in the authority.

25 (b) An authority that includes a consolidated city is under the
 26 control of a board consisting of the following:

27 (1) Two (2) members appointed by the executive of the county
 28 having the consolidated city.

29 (2) One (1) member appointed by the board of commissioners of
 30 the county having the consolidated city.

31 (3) One (1) member appointed by the executive of each other
 32 county in the authority.

33 (4) Two (2) members appointed by the governor from a list of at
 34 least five (5) names provided by the Indianapolis regional
 35 transportation council.

36 (5) One (1) member representing the four (4) largest
 37 municipalities in the authority located in a county other than a
 38 county ~~containing~~ **having** a consolidated city. The member shall
 39 be appointed by the executives of the municipalities acting
 40 jointly.

41 (6) One (1) member representing the excluded cities located in a
 42 county ~~containing~~ **having** a consolidated city that are members of

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the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following twenty-one (21) members:

(1) Three (3) members appointed by the executive of a city with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Two (2) members appointed by the executive of a city with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).

(B) A town with a population of more than twenty-three thousand (23,000) but less than twenty-four thousand (24,000).

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than eight thousand

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- 1 (8,000) but less than nine thousand (9,000).
 2 (B) A town with a population of more than twenty-four
 3 thousand (24,000) but less than thirty thousand (30,000).
 4 (C) A town with a population of more than twelve thousand
 5 five hundred (12,500) but less than fifteen thousand (15,000).
 6 (6) One (1) member who is jointly appointed by the following
 7 authorities of municipalities located in a county having a
 8 population of more than four hundred thousand (400,000) but less
 9 than seven hundred thousand (700,000):
 10 (A) The executive of a city with a population of more than
 11 nineteen thousand eight hundred (19,800) but less than
 12 twenty-one thousand (21,000).
 13 (B) The fiscal body of a town with a population of more than
 14 nine thousand (9,000) but less than twelve thousand five
 15 hundred (12,500).
 16 (C) The fiscal body of a town with a population of more than
 17 five thousand (5,000) but less than eight thousand (8,000).
 18 (D) The fiscal body of a town with a population of less than
 19 one thousand five hundred (1,500).
 20 (E) The fiscal body of a town with a population of more than
 21 two thousand two hundred (2,200) but less than five thousand
 22 (5,000).
 23 (7) One (1) member appointed by the fiscal body of a town with
 24 a population of more than thirty thousand (30,000) located within
 25 a county with a population of more than four hundred thousand
 26 (400,000) but less than seven hundred thousand (700,000).
 27 (8) One (1) member who is jointly appointed by the following
 28 authorities of municipalities that are located within a county with
 29 a population of more than four hundred thousand (400,000) but
 30 less than seven hundred thousand (700,000):
 31 (A) The executive of a city having a population of more than
 32 twenty-five thousand (25,000) but less than twenty-seven
 33 thousand (27,000).
 34 (B) The executive of a city having a population of more than
 35 thirteen thousand nine hundred (13,900) but less than fourteen
 36 thousand two hundred (14,200).
 37 (C) The fiscal body of a town having a population of more
 38 than one thousand five hundred (1,500) but less than two
 39 thousand two hundred (2,200).
 40 (9) Three (3) members appointed by the fiscal body of a county
 41 with a population of more than four hundred thousand (400,000)
 42 but less than seven hundred thousand (700,000).

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(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-eight thousand (28,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(13) The executive of a city with a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

- (A) Chesterton.
- (B) Porter.
- (C) Burns Harbor.
- (D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision. **This subdivision expires December 31, 2010.**

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

- (A) Washington Township.
- (B) Morgan Township.
- (C) Pleasant Township.

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- (D) Boone Township.
- (E) Union Township.
- (F) Porter Township.
- (G) Jackson Township.
- (H) Liberty Township.
- (I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision. **This subdivision expires December 31, 2010.**

If a county or city becomes a member of the authority under section 3.5 of this chapter, the executive of the county or city shall appoint one (1) member to serve on the board.

SECTION 266. IC 36-9-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

- (1) Board of commissioners, for a county not subject to IC 36-2-3.5 (**before January 1, 2011**) or IC 36-3-1.
- (2) County council, for a county subject to IC 36-2-3.5 (**before January 1, 2011**) or **IC 36-2-3.7 (after December 31, 2010)**.
- (3) City-county council, for a consolidated city or county having a consolidated city.
- (4) Common council, for a city other than a consolidated city.
- (5) Town council, for a town.
- (6) Trustee and township board, for a civil or school township.
- (7) Board of school trustees, board of school commissioners, or school board, for a school corporation.
- (8) Board of trustees, for a health and hospital corporation.

SECTION 267. IC 36-9-17.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter applies **only to all townships: a township:**

- (1) in a county having a consolidated city; or**
- (2) that has reorganized under IC 36-1.5.**

SECTION 268. IC 36-9-27-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) This section applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) There is established a county drainage advisory committee.

(c) This subsection applies after January 1, 2011. The executive of each township in the county shall appoint one (1) resident of ~~his the~~ **executive's** township to serve on the committee. **The term of a member serving on December 31, 2010, expires December 31, 2010.**

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1 **(d) This subsection applies before January 1, 2011. The**
 2 **executive of the county shall appoint one (1) resident of each**
 3 **township in the county to serve on the committee.**

4 (e) Committee members serve for four (4) year terms. Members may
 5 not receive per diem or mileage for service on the committee.

6 ~~(c)~~ (f) The county drainage advisory committee shall advise and
 7 assist the board in the performance of its powers, duties, and functions.
 8 The board or the county legislative body may assign responsibilities to
 9 the committee concerning drainage. The committee may select one (1)
 10 of its members as chairman and may meet at ~~his~~ **the chairman's** call
 11 or at the call of any three (3) of its members.

12 SECTION 269. IC 36-9-28-11 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) After a project
 14 is completed and approved under this chapter, the care, management,
 15 control, repair, and maintenance of the project may be placed under the
 16 jurisdiction of a board of directors appointed under this section.

17 (b) A petition requesting the appointment of a board of directors for
 18 the project may be filed with the clerk of the circuit court. The petition
 19 may be signed by:

20 (1) the municipal works board, if all or part of the municipality is
 21 located in the area affected by the project;

22 (2) **either:**

23 **(A) before January 1, 2011, the executive and legislative**
 24 **body of a township, if all or part of the township is located in**
 25 **the area affected by the project; or**

26 **(B) after December 31, 2010, for a township:**

27 **(i) in a county that does not have a consolidated city; and**

28 **(ii) that has not reorganized under IC 36-1.5;**

29 **the executive of a county not having a consolidated city;**

30 (3) any twenty-five (25) landowners who reside in a municipality
 31 and whose lands are located in the area affected by the
 32 improvement; or

33 (4) any twenty-five (25) landowners who do not reside in a
 34 municipality and whose lands are located in the area affected by
 35 the project.

36 The petition shall be docketed as a pending action, and the court shall
 37 fix a time when the petition shall be heard.

38 (c) After the petition is filed and docketed, the clerk of the circuit
 39 court shall give notice of the hearing by publication in accordance with
 40 IC 5-3-1. The notice shall be addressed to all persons who were
 41 originally assessed for the construction of the project.

42 (d) Any person owning land located in the area affected by the

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project may appear at the hearing and be heard, either in person or by ~~his~~ **the person's** attorney.

(e) If the circuit court determines that a board of directors should be appointed and assessments should be imposed for the care, management, control, repair, and maintenance of the project, the court shall enter a judgment accordingly. If the court enters such a judgment, two (2) members of the board of directors shall be appointed by the county executive and one (1) member of the board of directors shall be appointed by the municipal executive. The three (3) appointed persons must be qualified under section 12 of this chapter.

(f) If the court determines that a board of directors should not be appointed, it shall dismiss the petition.

SECTION 270. IC 36-9-29-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) If a flood control district is established under this chapter, the construction of the flood control works shall be carried out under the control of a flood control board, to be known as "Board of Commissioners, _____ Flood Control District" (designating the name of the city instituting the proceedings for the establishment of the district).

(b) The flood control board consists of:

(1) the members of the works board of the city petitioning for the establishment of the flood control district; ~~and~~

(2) the executive of each town or township included in whole or in part in the district; **and**

(3) after December 31, 2010, for a township:

(A) in a county that does not have a consolidated city; and

(B) that has not reorganized under IC 36-1.5;

a person appointed by the county executive.

(c) Before entering upon ~~his~~ **the commissioner's** duties, each commissioner of the flood control board shall take and subscribe the usual oath of office, and shall file it with the clerk of the circuit court.

(d) If any commissioner of the flood control board fails or refuses to qualify, or after qualifying fails or refuses to take part in the proceedings of the board, then the board, by a majority vote, may petition the circuit court for the appointment of a new commissioner. After a hearing and a showing of cause, the court may remove the offending commissioner. If the court removes a commissioner, the executive of the city shall appoint a new commissioner. The new commissioner must be a freeholder residing in the part of the district previously represented by the commissioner removed.

(e) Each commissioner of a flood control board is entitled to a salary fixed by the board, subject to the approval of the legislative body of the

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city petitioning for the establishment of the flood control district.

(f) Within ten (10) days after the entry of the decree establishing the flood control district, the commissioners of the flood control board shall meet at the office of the works board of the city petitioning for the establishment of the district, and shall organize by electing one (1) of their number president and one (1) vice president. These officers shall perform the duties usually pertaining to their offices, and shall serve for a period of one (1) year or until their successors are elected and qualified. The board shall also appoint a secretary pro tempore to keep the records of the proceedings until the board appoints a permanent secretary. The minutes of the board shall be kept in a permanent minute book, and the first entry in the book must be a copy of the decree establishing the district and fixing its boundaries.

(g) A majority of the commissioners of the flood control board constitutes a quorum for the transaction of any business. If the board consists of an even number of commissioners and there is a tie vote on any question, the vote of the president on the question is controlling.

(h) The flood control board may:

- (1) sue and be sued;
- (2) exercise the power of eminent domain;
- (3) adopt rules governing the holding of regular meetings, the calling of special meetings, methods of procedure, and similar matters; and
- (4) perform all acts necessary and proper for carrying out the purposes of the flood control district.

(i) The office of the flood control board shall be maintained at the office of the works board of the city petitioning for the establishment of the district, or at another place furnished by the city. All records of the board shall be kept at the office and are public records, open to inspection by the public during business hours.

(j) A commissioner, appointee, or employee of the flood control board may not have any direct or indirect interest in any contract let by the board, or in the furnishing of supplies or materials to the board.

SECTION 271. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) Subject to subsection (b),** this chapter applies to the townships indicated in each section.

(b) Powers and duties related to parks and recreation that are imposed by this chapter on a township:

- (1) in a county that does not have a consolidated city; and**
 - (2) have not reorganized under IC 36-1.5;**
- are transferred to the county.**

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SECTION 272. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies only to all townships a township:**

- (1) located in a county having a consolidated city; or**
- (2) that has reorganized under IC 36-1.5.**

(b) In a county that does not have a consolidated city, all powers and duties of a township:

- (1) that has not reorganized under IC 36-1.5; and**
- (2) related to parks and recreation;**

are transferred to the county.

SECTION 273. IC 36-12-1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7.5. **(a) This section does not apply in a township that has reorganized under IC 36-1.5.**

(b) On January 1, 2011, all responsibilities and obligations of a township government with respect to a public library, library district, or provision or receipt of library services by contract are terminated, and the township government's responsibilities and obligations are assumed by the county.

(c) The dissolution of township government under IC 36-6-1.1 does not terminate a public library, library district, or contract for provision or receipt of library services in existence on December 31, 2010.

SECTION 274. IC 36-12-2-5, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. **(a) The legislative body of A municipality, township, county, or part of a county, any of which is not already taxed for public library purposes, that has:**

- (1) a population of at least ten thousand (10,000); or**
- (2) an assessed valuation that is at least as high as the median of the most recent certified assessed valuation of the ten (10) library taxing districts closest in population to ten thousand (10,000);**

may, by action of the municipal legislative body, in the case of a municipality, or by action of the county legislative body, in the case of a township that has not reorganized under IC 36-1.5, a county, or part of a county, establish a public library for the residents of the municipality, township, county, or part of the county.

(b) The establishment of the public library may be initiated either by:

- (1) the legislative body passing a written resolution; or**
- (2) filing a petition with the legislative body that has been signed**

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by at least twenty percent (20%) of the registered voters of the municipality, township, county, or part of a county, as determined by the last preceding general election.

(c) Not later than ten (10) days after a petition is filed under subsection (b)(2), the municipality, ~~township~~, county, or part of a county shall give notice of the filing of the petition in two (2) newspapers of general circulation in the county, one (1) of which is published in the municipality where the library is to be located, if a newspaper is published in the municipality.

(d) Not later than ten (10) days after the publication of the petition under subsection (c), a registered voter in the municipality, township, county, or part of a county where the public library is proposed to be established may file with the respective municipality ~~township~~, or county a remonstrance that:

(1) is signed by registered voters in the municipality, township, county, or part of the county where the public library is proposed to be established; and

(2) states that the registered voters who have signed the remonstrance are opposed to the establishment of the public library.

(e) The following apply to a petition that is filed under subsection (b)(2) or a remonstrance that is filed under subsection (d):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit as described in subdivision (2). An individual who signed the petition, remonstrance, or copy may file the petition, the remonstrance, or a copy. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county where the municipality, township, county, or part of a county where the

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public library that is proposed to be established is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk shall strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.

(B) Strike the name from either the petition or the remonstrance of an individual who:

(i) signed both the petition and the remonstrance; and

(ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.

(C) Not more than fifteen (15) days after a petition or remonstrance is filed, certify the number of signatures on the petition or remonstrance that:

(i) are not duplicates; and

(ii) represent individuals who are registered voters in the municipality, township, county, or part of a county where the public library is proposed to be established, on the day the individuals signed the petition or remonstrance.

(D) Establish a record of the clerk's certification in the clerk's office and file:

(i) the original petition;

(ii) the original remonstrance, if any; and

(iii) a copy of the clerk's certification;

with the legislative body of the municipality ~~township~~, or county.

The clerk of the circuit court may only strike an individual's name from a petition or remonstrance as set forth in clauses (A) and

(B).

(f) At the first meeting of the legislative body held at least ten (10) days after the publication of the petition, the legislative body shall compare the petition and any remonstrance. Whenever:

(1) a remonstrance has not been filed; or

(2) a greater number of voters have signed the petition than have signed the remonstrance against the establishment of the public library;

the legislative body shall establish by written resolution the public library with a library district coextensive with the boundaries of the unit, **township**, or part of a county, whichever is applicable.

(g) The establishment of the public library is effective as of the date

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the written resolution is passed. The legislative body shall file a copy of the resolution not later than five (5) days after the resolution is passed:

(1) with the county recorder in the county where the administrative office of the public library is located; and

(2) with the Indiana state library.

(h) The legislative body shall give notice to the officials who have the power to appoint members of the library board for the new public library under section 9 of this chapter. The officials shall appoint the library board for the new public library under section 9 of this chapter as soon as possible after the officials are notified.

(i) When the number of registered voters who have signed a remonstrance against the establishment of the public library is equal to or greater than the number who have signed the petition in favor of the establishment of the public library, the legislative body shall dismiss the petition. Another petition to establish a public library may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

SECTION 275. IC 36-12-2-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. This section applies to the appointment of members to the library board of a public library serving a library district that is entirely located in one (1) township and includes part or all of only one (1) municipality. For a public library under this section, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

(1) One (1) member **appointed as follows:**

(A) If the appointment is made before January 1, 2011, the member is appointed by the legislative body of the township in which the library district is located.

(B) This clause does not apply to a township that has reorganized under IC 36-1.5. If the appointment is made after December 31, 2010, the member:

(i) is appointed by the legislative body of the county; and

(ii) must reside within the township in which the library district is located.

(2) One (1) member appointed by the legislative body of the municipality in which the library district is located.

SECTION 276. IC 36-12-3-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) A library board may contract to provide or receive library service from the following municipal corporations:

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(1) Another public library.

(2) Any unit.

(b) After December 31, 2010, a library board may contract with a county to provide library service to a township in the county.

~~(b)~~ **(c)** A contract for library service between a public library and another municipal corporation must outline the:

(1) manner and extent of library service; and

(2) amount of compensation for the extension of library service.

~~(c)~~ **(d)** This subsection does not apply to municipal corporations described in section 8 of this chapter **or a township that has reorganized under IC 36-1.5.** A municipal corporation receiving library service shall, **or in the case of a township after December 31, 2010, the county shall:**

(1) levy a tax sufficient to meet the amount of compensation agreed upon under the contract; and

(2) expend all funds received under a contract for library services chargeable to the contract.

SECTION 277. IC 36-12-3-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. ~~A township may appropriate general revenue sharing funds that the township receives under the federal State and Local Fiscal Assistance Act of 1972; as amended; to a Class 1 public library. Other units have~~ **A city, town, or county has the** authority under IC 36-10-2-4 to aid public libraries through any means available. Any general revenue sharing funds received by a public library shall be deposited in any of the funds outlined in section 11 of this chapter.

SECTION 278. IC 36-12-6-4, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) If a township, ~~or~~ part of a township, **or, after December 31, 2010, the county on behalf of a township or part of a township** is contracting with a library that is extending service through a county contractual library, the township or part of a township, **or, after December 31, 2010, the county on behalf of a township or part of a township:**

(1) shall cease to levy a separate tax for library purposes; and

(2) becomes a part of the county contractual library district.

(b) The tax levy for county contractual library purposes shall then be levied in the township or part of a township that has become part of the county contractual library district.

(c) A township, **or after December 31, 2010, a county on behalf of a township,** that ceases to levy a tax for public library purposes in

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any year becomes a part of the township's county library district or county contractual library district, if either library district exists at the time the township levy is discontinued. The county library or county contractual library tax shall then be levied in the townships.

SECTION 279. IC 36-12-7-7, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) The library board of a library established as an 1899 township library consists of ~~the school township trustee in the~~ **a member appointed by the school board of the school corporation serving the** township where the library is located and two (2) residents of the township who are appointed by the board of commissioners of the county where the library is located. Appointments are for a term of four (4) years. Members of the library board serve without compensation.

(b) The library board:

- (1) shall control the purchase of books and the management of the library;
- (2) shall possess and retain custody of any books remaining in the old township library in the township where the library is located;
- (3) may receive donations, bequests, and legacies on behalf of the library; and
- (4) may receive copies of all documents of the state available for distribution from the director of the state library.

(c) The 1899 township library is the property of the school ~~township trustee~~ **corporation**. The school ~~township trustee~~ **corporation** is responsible for the safe preservation of the township library.

(d) Two (2) or more adjacent townships may unite to maintain a township library. The library is controlled by either:

- (1) a combined library board, which consists of each of the uniting township boards appointed under subsection (a); or
- (2) the one (1) township library board appointed under subsection (a) of the uniting townships that receives funding for the operation of the uniting township library.

(e) The legislative body of ~~any~~ **a county that has a** township that contains a library established as an 1899 township library may levy a tax **in the township** annually of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property assessed for taxation in the township. If the legislative body does not levy the tax, a petition signed by at least the number of registered voters required under IC 3-8-6-3 to place a candidate on the ballot may be filed with the circuit court clerk, who:

- (1) shall determine if an adequate number of voters have signed

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the petition; and

(2) if an adequate number of voters have signed the petition, shall certify the public question to the county election board under IC 3-10-9-3. The county election board shall then cause to be printed on the ballot for the township the following question in the form prescribed by IC 3-10-9-4: "Shall a ~~township~~ library tax be levied?".

If a majority of the votes cast on the question in subdivision (2) are in the affirmative, the ~~township trustee~~ **county** shall annually levy a tax of not less than one and sixty-seven hundredths cents (\$0.0167) and not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property in the township for the establishment and support of a township library. The township tax shall be levied, assessed, collected, and paid according to the procedure outlined in IC 6-1.1.

(f) The tax levy under subsection (e) shall be discontinued when the question of discontinuing the levy has been submitted to a vote according to the procedure provided in subsection (e) and the majority of the votes cast on the question is in the negative.

(g) If a public library that is open for the use of all the residents of the township is located in the township, the proceeds of the tax collected under subsection (e) shall be paid to that public library.

(h) In a township outside a city that contains a library:

(1) established by private donations of the value of at least ten thousand dollars (\$10,000), including the real estate and buildings used for the library; and

(2) used for the benefit of all the inhabitants of the township;

the ~~township trustee of the township~~ **county legislative body** shall annually levy and collect not more than two cents (\$0.02) on each one hundred dollars (\$100) upon the taxable property within the limits of the township. The money shall be paid to the trustees of the library, to be applied by the trustees for the purchase of books and the payment of the maintenance costs for the library. When it becomes necessary to purchase additional ground for the extension or protection of library buildings already established by private donation, ~~the trustee, with the consent of~~ the county legislative body may annually levy and collect not more than one and sixty-seven hundredths cents (\$0.0167) on each one hundred dollars (\$100) of taxable property of the township for not more than three (3) years successively, to be expended by the trustees for the purchase of property and the construction and enlargement of library buildings.

(i) The 1899 township library is free to all the residents of the

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1 township.

2 SECTION 280. IC 36-12-12-4, AS ADDED BY P.L.1-2005,
3 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2011]: Sec. 4. (a) If the library board passes a resolution
5 under section 3 of this chapter, not later than ten (10) days after passing
6 the resolution the board shall transmit a certified copy of the plan to the
7 appropriate fiscal body or fiscal bodies, whichever applies. The
8 appropriate fiscal body is determined as follows:

9 (1) If the library district is located entirely within the corporate
10 boundaries of a municipality, the appropriate fiscal body is the
11 fiscal body of the municipality.

12 (2) **This subdivision applies only in a township that has**
13 **reorganized under IC 36-1.5.** If the library district is not
14 described by subdivision (1) and the district is located entirely
15 within the boundaries of a township, the appropriate fiscal body
16 is the fiscal body of the township.

17 (3) If the library district is not described by subdivision (1) or (2),
18 the appropriate fiscal body is the fiscal body of each county in
19 which the library district is located.

20 (b) The appropriate fiscal body shall hold a public hearing on the
21 plan not later than thirty (30) days after receiving a certified copy of the
22 plan and either reject or approve the plan before August 1 of the year
23 that the plan is received.

24 SECTION 281. IC 36-12-14-2, AS AMENDED BY P.L.224-2007,
25 SECTION 135, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JANUARY 1, 2011]: Sec. 2. An appointed library board
27 subject to section 1 of this chapter shall submit its proposed operating
28 budget and property tax levy for the operating budget to the following
29 fiscal body at least fourteen (14) days before the first meeting of the
30 county board of tax adjustment (before January 1, 2009) or the county
31 board of tax and capital projects review (after December 31, 2008)
32 under IC 6-1.1-29-4:

33 (1) If the library district is located entirely within the corporate
34 boundaries of a municipality, the fiscal body of the municipality.

35 (2) **This subdivision applies only to a township that has**
36 **reorganized under IC 36-1.5.** If the library district:

37 (A) is not described by subdivision (1); and

38 (B) is located entirely within the boundaries of a township;
39 the fiscal body of the township.

40 (3) If the library district is not described by subdivision (1) or (2),
41 the fiscal body of each county in which the library district is
42 located.

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1 SECTION 282. IC 2-5-21 IS REPEALED [EFFECTIVE UPON
2 PASSAGE].

3 SECTION 283. THE FOLLOWING ARE REPEALED
4 [EFFECTIVE UPON PASSAGE]: IC 3-8-2-2.2; IC 20-23-4-28;
5 IC 20-23-4-29; IC 20-23-4-34; IC 20-23-4-36; IC 20-23-4-44;
6 IC 20-23-7-8; IC 20-23-7-9; IC 20-23-13-2.

7 SECTION 284. IC 3-13-8-6 IS REPEALED [EFFECTIVE JULY 1,
8 2008].

9 SECTION 285. THE FOLLOWING ARE REPEALED
10 [EFFECTIVE JULY 1, 2008]: IC 11-13-1; IC 11-13-2; IC 31-31-1-1;
11 IC 31-31-3-5; IC 31-31-4-4; IC 31-31-5; IC 31-40-2-2; IC 31-40-2-3;
12 IC 31-40-2-4; IC 33-23-5-12; IC 33-30-7-4; IC 33-41-2-7;
13 IC 33-41-2-8; IC 33-41-2-9; IC 33-41-2-10; IC 33-41-2-11;
14 IC 33-41-2-12; IC 33-41-2-13; IC 33-41-2-14; IC 33-37-8-8;
15 IC 33-37-11; IC 36-2-16.5.

16 SECTION 286. THE FOLLOWING ARE REPEALED
17 [EFFECTIVE JANUARY 1, 2011]: IC 36-6-1.5; IC 36-6-1.6;
18 IC 36-6-6-2.1; IC 36-12-1-13; IC 36-12-5-2; IC 36-12-5-3;
19 IC 36-12-5-4.

20 SECTION 287. [EFFECTIVE JULY 1, 2008] (a) **The legislative**
21 **services agency shall prepare legislation for introduction in the**
22 **2009 regular session of the general assembly to organize and**
23 **correct statutes affected by this act, if necessary.**

24 (b) **This SECTION expires December 31, 2009.**

25 SECTION 288. [EFFECTIVE JULY 1, 2008] (a) **As used in this**
26 **SECTION, "county fund" refers to the following:**

27 (1) **A county supplemental juvenile probation services fund**
28 **established under IC 31-40-2.**

29 (2) **A jury pay fund established under IC 33-37-11.**

30 (3) **A county supplemental adult probation services fund.**

31 (b) **Each county fund is abolished. The county auditor shall**
32 **transfer money in a county fund that is unencumbered on January**
33 **1, 2009, to the auditor of state as part of the first transfer of money,**
34 **under IC 33-37-7-2, as amended by this act, after January 1, 2009,**
35 **for deposit in the state general fund. However, the part of the**
36 **unencumbered fees in a county supplemental adult probation**
37 **services fund that was generated by alcohol abuse deterrent**
38 **program fees or medical fees under IC 9-30-9-8, as determined by**
39 **the division of state court administration, shall be transferred to**
40 **the county alcohol abuse deterrent fund.**

41 (c) **Each county shall transfer the part of the money in the jury**
42 **pay fund (IC 33-37-11) on January 1, 2009, held for transfer to a**

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1 county fund described in subsection (a), to the auditor of state as
 2 part of the first transfer of money, under IC 33-37-7-2, as amended
 3 by this act, after January 1, 2009, for deposit in the state general
 4 fund.

5 SECTION 289. [EFFECTIVE JULY 1, 2008] (a) As used in this
 6 SECTION, "incumbent trustee" refers to an individual elected to
 7 the office at the November 7, 2006, general election.

8 (b) As used in this SECTION, "office" refers to the office of
 9 township trustee.

10 (c) Notwithstanding IC 36-6-1.1, as added by this act, and
 11 IC 36-6-4, IC 36-6-7, and IC 36-6-8, all as amended by this act, an
 12 incumbent trustee holding an office that is abolished by this act is
 13 entitled to serve in the office through December 31, 2010.

14 (d) This SECTION expires June 30, 2011.

15 SECTION 290. [EFFECTIVE JULY 1, 2008] (a) As used in this
 16 SECTION, "incumbent township board member" refers to an
 17 individual elected to the office at the November 2, 2004, general
 18 election.

19 (b) As used in the SECTION, "office" refers to the office of a
 20 member of the township legislative body.

21 (c) Notwithstanding IC 36-1-1.1, as added by this act, and
 22 IC 36-6-6 and IC 36-6-8, both as amended by this act, an
 23 incumbent township board member holding an office that is
 24 abolished by this act is entitled to serve in the office through
 25 December 31, 2008.

26 (d) The successor to the incumbent township board member
 27 described in subsection (c):

28 (1) shall be elected to the office at the general election to be
 29 held in 2008; and

30 (2) shall serve a term of office through December 31, 2010.

31 (e) This SECTION expires June 30, 2011.

32 SECTION 291. [EFFECTIVE JULY 1, 2008] (a) This SECTION
 33 applies to each county that does not have a consolidated city.

34 (b) Notwithstanding any other provision, in a county subject to
 35 this SECTION, a county chief executive officer shall be elected at
 36 the November 2010 general election. The term of office of the
 37 initial county chief executive officer:

38 (1) is four (4) years; and

39 (2) begins January 1, 2011.

40 (c) The term of each county commissioner serving on January
 41 1, 2011, expires on that day.

42 (d) This SECTION expires June 30, 2012.

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1 SECTION 292. [EFFECTIVE UPON PASSAGE] (a) This
2 SECTION applies to members of the governing body of a school
3 corporation, who before January 1, 2008, are appointed.

4 (b) After December 31, 2007, the members of the governing
5 body shall be elected as provided in IC 20-23-11.9, as added by this
6 act.

7 (c) Before July 1, 2008, the governing body shall amend the
8 school corporation's plan to provide for the election of the
9 members of the governing body as provided in IC 20-23-4-27, as
10 amended by this act, and IC 20-23-11.9, as added by this act. The
11 amendment must provide that the successor of an appointed
12 member shall be elected at the general election at which county
13 officials are elected held immediately before that member's term
14 of office is scheduled to expire.

15 (d) If the governing body fails to amend the school corporation's
16 plan as required by subsection (c), the following apply:

17 (1) The successor of each appointed member of the governing
18 body shall be elected at the general election at which county
19 officials are elected and that is held in the year:

20 (A) that the appointed member's term expires, if the
21 appointed member's term expires June 30; or

22 (B) immediately before the appointed member's term
23 expires, if the appointed member's term expires December
24 31.

25 (2) The successor elected at the general election takes office on
26 January 1 following the successor's election.

27 (3) The school corporation's plan is considered to provide
28 that:

29 (A) the members of the governing body shall be elected at
30 a general election at which county officials are elected; and

31 (B) a member of the governing body takes office January
32 1 after the member's election.

33 (e) This SECTION expires June 30, 2015.

34 SECTION 293. [EFFECTIVE UPON PASSAGE] (a) As used in
35 this SECTION, "governing body" refers to the governing body of
36 a school corporation subject to any of the following:

37 (1) IC 20-23-4-30, as amended by this act.

38 (2) IC 20-23-7-8 (before its repeal by this act) and
39 IC 20-23-7-8.1, as added by this act.

40 (3) IC 20-23-8-8, as amended by this act.

41 (4) IC 20-23-10-8, as amended by this act.

42 (5) IC 20-23-12.

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1 (6) IC 20-23-13.

2 (7) IC 20-23-14.

3 (8) IC 20-25-3-4, as amended by this act.

4 (b) This subsection applies to a member of a governing body
5 elected at the 2004 primary election. The successor of such a
6 member shall:

7 (1) be elected at the 2008 general election; and

8 (2) take office January 1, 2009.

9 (c) This subsection applies to a member of a governing body
10 elected at the 2006 primary election. The successor of such a
11 member shall:

12 (1) be elected at the 2010 general election; and

13 (2) take office January 1, 2011.

14 (d) This SECTION expires June 30, 2013.

15 SECTION 294. [EFFECTIVE JULY 1, 2008] (a) Notwithstanding
16 any other law, an individual elected to a local office at the 2011
17 general election takes office at noon, January 1, 2013.

18 (b) The term of office of an individual described in subsection
19 (a) expires at noon, January 1, 2017.

20 (c) The successors of individuals described in subsection (a)
21 shall be elected at the November 2016 general election.

22 (d) During the 2008 interim, the legislative services agency shall
23 prepare appropriate legislation to amend IC 3 to implement this
24 act and to provide that all municipal elections be held in
25 even-numbered years.

26 (e) This SECTION expires June 30, 2017.

27 SECTION 295. [EFFECTIVE JULY 1, 2008] (a) This SECTION
28 applies only to second class cities.

29 (b) Notwithstanding IC 36-4-10-2, as amended by this act, the
30 individual elected city clerk at the 2007 municipal elections may
31 continue to serve in that office until January 1, 2012.

32 (c) The legislative body of the city shall appoint a city clerk:

33 (1) if the office becomes vacant before January 1, 2012;
34 and

35 (2) after December 31, 2011, as provided in IC 36-4-10-2,
36 as amended by this act.

37 (d) This SECTION expires December 31, 2012.

38 SECTION 296. An emergency is declared for this act.

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